By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of Louis Holt—to the Committee on Military Affairs.

Also, petition of Thomas E. Goodwin et al., against the anti-pass amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. REYNOLDS: Paper to accompany bill for relief of Stacy Moon—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Peter Gibbin—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of Marcus Stevens—to the Committee on War Claims.

By Mr. ROBERTS: Petition of Alfred Noon, Eugene T. Endicott, A. C. Douse, and H. B. Hastings, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULZER: Petition of international committee of Young Men's Christian Association, New York, that they may be the beneficiaries of any exceptional considerations that may be made in rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Illinois State Medical Society, for passage of bill increasing efficiency of the Army—to the Committee on Military Affairs.

By Mr. ZENOR: Papers to accompany bill (H. R. 20041) granting an increase of pension to James Allen—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June 13, 1906.*

Prayer by Rev. CHARLES CUTHBERT HALL, D. D., of the city of New York.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ISSUE OF NOTES OF SMALL DENOMINATIONS.

Mr. BACON. Mr. President, I submit a memorial from the bankers' associations of Georgia and Florida, in joint session at Atlanta. Before I move its reference I desire to say a word. I ask that it be read.

The VICE-PRESIDENT. Without objection, the Secretary will read the memorial.

The Secretary read as follows:

ATLANTA, GA., *June 11, 1906.*

To the UNITED STATES SENATE,
Washington, D. C.:

Whereas there is great necessity for prompt and immediate legislation authorizing a much larger issue of one, two, and five dollar bills than is now in circulation: Therefore, be it

Resolved by the joint session of the Georgia and Florida bankers' associations, That the Senate is hereby earnestly memorialized to pass during its present session House bill No. 13566.

L. P. HILLYER,
Secretary Georgia Bankers' Association.
GEO. R. DESSONSSURE,
Secretary Florida Bankers' Association.

The VICE-PRESIDENT. Is there objection to the Senator from Georgia submitting remarks on the memorial? The Chair hears none.

Mr. BACON. Mr. President, I will occupy a very few minutes.

I desire to state that the memorial grows out of an application which I recently made to the Treasury Department for the furnishing of small bank bills to banks in Southern States. In response to my application to the Treasury Department, I was informed that under the present law it is impossible for the Department to furnish to the country the needed amount of bills in small denominations, the reason being that under the law gold certificates can only be issued in denominations of not less than $20, and national banks are restricted in their issue of bills of the denomination of $5 to one-third of the amount of their issue.

The Department called my attention to the fact that a bill was then pending in the House which removed both the restrictions, which would allow gold certificates to be issued in denominations of ten and five dollars and removing the restriction upon banks in regard to the proportion of five-dollar bills which they were allowed to issue.

The statement was made to me in the Treasury Department that this bill should be passed by Congress—it has since passed the House—and that if it should become a law, by its passage in the Senate and its approval by the President, the supply of notes of ten and five dollars denomination in gold certificates and in national-bank notes would be such that the Department could then cancel the silver certificates of five-dollar denomination and issue one and two dollar silver certificates in their place.

The important fact, Mr. President, which justifies me in calling the attention of the Senate especially to the matter at this time is the statement that even heretofore the need of the country for bills of this denomination during the harvest season has been insufficient; that in the growing and developing business of the country it is found to be quite insufficient at this season of the year, and that unless this relief is given by Congress at this time there will be very great embarrassment during the coming fall when the crops are being moved.

In response to my request, the Assistant Secretary of the Treasury, Mr. Keep, with whom I had the conversation, put what he then had to say in writing, and I ask that the letter which he has written to me on this subject may now be read. I see some members of the Finance Committee present, and I desire to ask their special attention to the letter. I hope that it may be found consistent with their view of the interests of the country to give early consideration to this matter and bring it to the attention of the Senate. The passage of the bill by the House is referred to in the letter.

The VICE-PRESIDENT. Without objection, the Secretary will read the letter.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, June 4, 1906.

MY DEAR SIR: I return you herewith the letter of Mr. L. P. Hillyer, secretary of the Georgia Bankers' Association, and the letter of Mr. Parsons, assistant cashier of the Chemical National Bank of New York, both relating to a scarcity of small bills.

The inability of the Treasury Department to supply the number of small bills needed for the business of the country is most embarrassing at the present time. This is a season of the year when ordinarily we are able to meet all demands for small notes, and in view of our inability to do so now we have reason to anticipate greater difficulties in the fall, when the movement of the crops always increases the demand for small notes.

For six years past the Treasury has been operating under the provisions of the act of March 14, 1900, and during this period the volume of notes of the denomination of $10 and under has been increased by nearly $190,000,000, through a process of redeeming and canceling notes of larger denominations and issuing in their stead smaller ones. In making changes of this character under existing laws, the limit was practically reached at the close of the last fiscal year, and the attention of Congress was invited to this condition in the annual reports of the Secretary of the Treasury and of the Treasurer of the United States. On the 1st of the present month the outstanding notes of the denomination of $20 and over which, when presented for redemption, could be reissued in small denominations was as follows:

United States notes	$62,000,000
Treasury notes of 1890	2,000,000
Silver certificates	14,000,000
Total	78,000,000

These notes come in very slowly, doubtless because they are held in bank reserves and in packages of currency which have remained in bank vaults for a number of years without disturbance.

Under existing law gold certificates can not be issued under the denomination of $20, and, except for the very small amount of free silver dollars in the Treasury, which are being used gradually for the issue of silver certificates of the denominations of one, two, and five dollars, to meet the daily demands of the subtreasury offices and afford some relief to the needs of business, the Treasury is limited, in its daily issue of small notes, to the unfit currency of small denominations which comes in for exchange into new bills. Any bank, sending direct to the Department at Washington notes of small denominations, can obtain new notes of the same kind and denominations as those sent in. This can not always be done at the subtreasuries, as those officers are quite unable to meet the demands made upon them for small notes, and can only pay out new silver certificates to the extent the Department at Washington is able to supply them.

A bill has passed the House of Representatives, and is now pending in the Senate, to permit the issue of gold certificates of the denominations of five and ten dollars, and to remove the present restriction which limits each national bank in the issue of five-dollar national bank notes to one-third of its outstanding circulation. The passage of this bill would enable a considerable quantity of the outstanding five-dollar silver certificates to be converted into ones and twos, and their places to be supplied with gold certificates and national-bank notes.

Should this bill not become a law at the present session, inconvenience will result, but the national banks themselves can relieve the situation to some extent by issuing as large a proportion of their circulation in five-dollar denomination as the existing statute permits. This would so greatly increase the number of five-dollar national-bank notes as to permit the conversion of not less than $50,000,000 of five-dollar silver certificates into ones and twos.

The free shipment of standard silver dollars from the Treasury to banks applying for the same would not remedy the situation in any degree. A particular bank which is able to circulate silver dollars in this locality might thus have its needs supplied, but every silver dollar shipped from the Treasury reduces the number of silver certificates which the Treasury can issue.

Respectfully, yours

C. H. KEEP,
Assistant Secretary.

Hon. A. O. BACON,
United States Senate.

Mr. BACON. I move that the memorial and accompanying papers be referred to the Committee on Finance.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had

agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

S. 4250. An act to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon; and

S. 4806. An act to regulate the landing, delivery, cure, and sale of sponges.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS, Mr. BOUTELL, and Mr. CLARK of Missouri managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MONDELL, Mr. REEDER, and Mr. SMITH of Texas managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COUSINS, Mr. CHARLES B. LANDIS, and Mr. FLOOD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

S. 3261. An act granting an increase of pension to Charles B. Towne;

S. 3270. An act granting an increase of pension to William H. Richardson;

S. 3486. An act granting an increase of pension to Edwin D. Wescott;

S. 3487. An act granting an increase of pension to Joseph Fuller;

S. 3553. An act granting an increase of pension to William Oliver;

S. 3629. An act granting an increase of pension to William Hibbs;

S. 3649. An act granting a pension to Sarah Agnes Sullivan;

S. 3684. An act granting an increase of pension to George W. Hyde;

S. 3697. An act granting an increase of pension to Sarah A. Petherbridge;

S. 3728. An act granting an increase of pension to William H. Winans;

S. 3750. An act granting an increase of pension to Wilbur F. Flint;

S. 3814. An act granting an increase of pension to John Giffen;

S. 3818. An act granting an increase of pension to David B. Johnson;

S. 3904. An act granting an increase of pension to George J. Thomas;

S. 4092. An act granting an increase of pension to John Smith;

S. 4133. An act granting an increase of pension to George Brewster;

S. 4171. An act granting an increase of pension to Joseph Bovee;

S. 4173. An act granting an increase of pension to Catharine E. Smith;

S. 4205. An act granting an increase of pension to George Warner;

S. 4346. An act granting an increase of pension to William E. Holloway;

S. 4372. An act granting an increase of pension to Emily P. Hubbard;

S. 4379. An act granting an increase of pension to Roy E. Knight;

S. 4458. An act granting an increase of pension to Andrew P. Quist;

S. 4492. An act granting an increase of pension to George W. Fletcher;

S. 4497. An act granting an increase of pension to Augustus McDowell;

S. 4585. An act granting an increase of pension to Mary A. Counts;

S. 4719. An act granting an increase of pension to John Joines;

S. 4770. An act granting an increase of pension to Edward Hart;

S. 4784. An act granting an increase of pension to Lemuel Cross;

S. 4790. An act granting an increase of pension to Edward W. Smith;

S. 4811. An act granting a pension to Mae Spaulding;

S. 4879. An act granting an increase of pension to Mary E. Baker;

S. 4887. An act granting an increase of pension to Calvin C. Hussey;

S. 4910. An act granting an increase of pension to William Wright;

S. 4937. An act granting an increase of pension to John Reece;

S. 5022. An act granting an increase of pension to Henry S. Olney;

S. 5032. An act granting an increase of pension to Daisy C. Stuyvesant;

S. 5056. An act granting a pension to Alexander Plotts;

S. 5065. An act granting an increase of pension to Charles Jackson;

S. 5085. An act granting an increase of pension to Ellen Donovan;

S. 5143. An act granting an increase of pension to Eugene V. McKnight;

S. 5152. An act granting an increase of pension to Holaway W. Kinney;

S. 5158. An act granting an increase of pension to Andrew J. Fosdick;

S. 5169. An act granting an increase of pension to James A. Price;

S. 5256. An act granting an increase of pension to John Johnson;

S. 5290. An act granting an increase of pension to James Ramsey;

S. 5326. An act granting an increase of pension to Annie A. West;

S. 5340. An act granting an increase of pension to Laura Hentig;

S. 5442. An act granting a pension to Frances E. Taylor;

S. 5501. An act granting an increase of pension to Jacob L. Kline;

S. 5557. An act granting an increase of pension to Henry Clay Sloan;

S. 5559. An act granting an increase of pension to Ann H. Crofton;

S. 5583. An act granting an increase of pension to Foster L. Banister;

S. 5700. An act granting an increase of pension to Stacy B. Warford;

S. 5708. An act granting an increase of pension to Nathalia Boepple;

S. 5728. An act granting an increase of pension to Emery Wyman;

S. 5731. An act granting an increase of pension to James McTwiggan;

S. 5742. An act granting an increase of pension to James A. Bryant;

S. 5758. An act granting an increase of pension to Joshua J. Clark;

S. 5765. An act granting an increase of pension to Theodore F. Montgomery;

S. 5767. An act granting an increase of pension to Thomas D. Welch;

S. 5772. An act granting an increase of pension to Thomas M. Harris;

S. 5775. An act granting an increase of pension to Harvey M. Traver;

S. 5783. An act granting a pension to Florence H. Godfrey;

S. 5784. An act granting an increase of pension to Mahala F. Campbell;

S. 5785. An act granting an increase of pension to Joseph W. Doughty;

S. 5786. An act granting an increase of pension to Mary J. Ivey;

S. 5790. An act granting an increase of pension to Jehial P. Hammond;

S. 5791. An act granting an increase of pension to Margaret Simpson;

S. 5801. An act granting an increase of pension to Andrew Jackson Paris;

S. 5803. An act granting an increase of pension to William H. Meadows;

S. 5808. An act granting an increase of pension to Washington Brockman;

S. 5809. An act granting an increase of pension to Hannah C. Church;

S. 5834. An act granting an increase of pension to Charles F. Sheldon;

S. 5844. An act granting an increase of pension to John Keys;

S. 5855. An act granting an increase of pension to Blanche Badger;

S. 5902. An act granting an increase of pension to George W. Webster;

S. 5928. An act granting an increase of pension to Patrick Gaffney;

S. 5932. An act granting an increase of pension to Elijah R. Merriman;

S. 5948. An act granting an increase of pension to Samuel B. Rice;

S. 5949. An act granting an increase of pension to George F. White;

S. 5966. An act granting an increase of pension to Christopher C. Davis;

S. 5969. An act granting an increase of pension to Franklin Burdick;

S. 6024. An act granting an increase of pension to Franklin B. Beach;

S. 6034. An act granting an increase of pension to William A. Hopper, alias Cuff Watson;

S. 6039. An act granting an increase of pension to George Gardner;

S. 6063. An act granting an increase of pension to Frances A. Sullivan;

S. 6240. An act granting an increase of pension to John G. Fonda;

H. R. 1160. An act granting an increase of pension to Eliza Swords;

H. R. 4478. An act to amend section 64 of the bankruptcy act;

H. R. 17982. An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation; and

H. J. Res. 172. Joint resolution to supply a deficiency in an appropriation for the postal service.

MEMORIAL.

Mr. PLATT presented a memorial of Telegram Lodge, No. 144, Switchmen's Union of North America, of Elmira, N. Y., remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which was ordered to lie on the table.

THOMAS P. MATTHEWS.

Mr. DANIEL presented sundry papers to accompany the bill (S. 6422) for the relief of the heirs of Thomas P. Matthews; which were referred to the Committee on Claims.

ROLL OF EX-SOLDIERS OF THE CIVIL WAR.

Mr. TELLER. I ask unanimous consent to have certain papers printed in connection with Senate bill 2162. It is a bill providing for the roll of the ex-soldiers of the civil war, and I ask to have the papers printed as a document.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Colorado that the papers submitted by him shall be printed as a document?

Mr. GALLINGER. Did I understand the Senator to say that it is a roll of the soldiers of the civil war recently made up?

Mr. TELLER. No; it contains several different papers, but it is in connection with the bill to establish that roll.

Mr. GALLINGER. Oh! Exactly.

Mr. TELLER. There is nothing objectionable in it. It was handed to me by a very distinguished officer of the United States Army.

Mr. GALLINGER. I assume that there is nothing objectionable in it. I simply wanted to know what it was.

The VICE-PRESIDENT. Without objection, the papers will be printed as a document.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with the following amendments:

In line 6, section 1, page 1, strike out the word "seacoast" and insert in lieu thereof the words "coast line;" and the House agree to the same.

In line 13, section 1, page 1, strike out the word "seacoast" and insert in lieu thereof the words "coast line;" and the House agree to the same.

In lines 1 and 2, section 1, page 2, strike out the words "having on board any person with yellow fever and;" and the House agree to the same.

In line 4, section 5, page 6, after the word "purposes," insert the words "and the quarantine stations established by authority of this act shall, when so established, be used to prevent the introduction of all quarantinable diseases;" and the House agree to the same.

In lines 10 and 11, section 6, page 6, strike out the words "or any permanent structures or improvements be made or maintained thereon;" and the House agree to the same.

Strike out all of section 7; and the House agree to the same.

In line 10, section 8, page 7, after the word "fever," insert the words "and other quarantinable diseases;" and the House agree to the same.

In line 12, section 8, page 7, after the word "eradicating," strike out the word "it" and insert in lieu thereof the word "them;" and the House agree to the same.

In line 12, section 8, page 7, after the word "should," strike out the word "it" and insert in lieu thereof the word "they;" and the House agree to the same.

In line 13, section 8, page 7, after the word "preventing," strike out the word "its" and insert in lieu thereof the word "their;" and the House agree to the same.

In line 14, section 8, page 7, after the word "destroying," strike out the words "its cause" and insert in lieu thereof the words "their causes;" and the House agree to the same.

JOHN C. SPOONER,
FRANK B. BRANDEGEE,
S. R. MALLORY,
Managers on the part of the Senate.

W. P. HEPBURN,
IRVING P. WANGER,
C. L. BARTLETT,
Managers on the part of the House.

The report was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. CULLOM, and Mr. TELLER as the conferees on the part of the Senate.

CITY OF LOS ANGELES, CAL.

Mr. FLINT. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 6443) authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, Cal., to the city of Los Angeles, Cal., to report it favorably with an amendment, and I submit a report thereon. I ask unanimous consent for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Lands was, to add at the end of the bill the following additional proviso:

And provided further, That in the event that the Secretary of the Interior shall abandon the project known as the "Owens River project," for the irrigation of lands in Inyo County, Cal., under the act of June 17, 1902, the city of Los Angeles, in said State, is to pay to the Secretary of the Interior, for the account of the reclamation fund established by said act, the amount expended for preliminary surveys, ex-

aminations, and river measurements, not exceeding $14,000, and in consideration of said payment the said city of Los Angeles is to have the benefit of the use of the maps and field notes resulting from said surveys, examinations, and river measurements and the preference right to acquire at any time within three years from the approval of this act all lands now reserved by the United States under the terms of said act for reservoir or dam sites in connection with said project, upon filing with the register and receiver of the land office in the land district where said reservoir or dam sites are situated a map showing the lands desired to be acquired and upon the payment of $1.25 per acre to the receiver of said land office title to said land so reserved and filed on shall vest in said city of Los Angeles, and such title shall be and remain in said city only for the purposes aforesaid and shall revert to the United States in the event of the abandonment thereof for the purposes aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN THOMPSON.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 4899) granting an increase of pension to Ann Thompson, to report it favorably with an amendment.

Mr. GALLINGER. That is a bill which was misplaced, and I ask that it be now considered. It was introduced long ago.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Thompson, widow of Samuel Thompson, late of Captains Evans and Aiken's companies, New Hampshire Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. LONG.

Mr. McCUMBER. From the Committee on Pensions I report back without amendment the bill (S. 6301) granting an increase of pension to William C. Long.

Mr. LONG. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Long, late of Company I, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4880) granting a pension to Emma K. Tourgee; and

A bill (S. 6359) granting an increase of pension to F. D. Garnsey.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5042) granting an increase of pension to Josephine S. Jones;

A bill (S. 5104) granting a pension to Ellen Bernard Lee;

A bill (S. 6367) granting an increase of pension to Joseph Johnston; and

A bill (S. 6381) granting an increase of pension to John McDonough.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 4366) granting an increase of pension to Henry B. Willhelmy, reported it without amendment, and submitted a report thereon.

He also (for Mr. SCOTT), from the same committee, to whom was referred the bill (H. R. 1143) granting an increase of pension to Ephraim D. Achey, reported it without amendment, and submitted a report thereon.

He also (for Mr. BURNHAM), from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19670) granting a pension to Maria Rogers;

A bill (H. R. 2789) granting an increase of pension to Merrill Johnson; and

A bill (H. R. 2772) granting an increase of pension to Eli Cero.

Mr. McCUMBER (for Mr. PATTERSON), from the Committee on Pensions, to whom was referred the bill (H. R. 15856) granting a pension to Gordon A. Thurber, reported it without amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 850) making appropriation to pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington, reported it without amendment, and submitted a report thereon.

Mr. BEVERIDGE. I am directed by the Committee on Territories, to whom was referred the bill (H. R. 11787) ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905, to report it favorably without amendment, and I submit a report thereon.

Mr. LONG. I ask unanimous consent for the present consideration of the bill.

Mr. MORGAN. I object.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

Mr. GEARIN, from the Committee on Claims, to whom was referred the bill (H. R. 3459) for the relief of John W. Williams, reported it without amendment, and submitted a report thereon.

WATER RESERVOIRS AT DURANGO, COLO.

Mr. HANSBROUGH. I am authorized by the Committee on Public Lands, to whom were referred the amendments of the House of Representatives to the bill (S. 2188) granting to the city of Durango in the State of Colorado certain lands therein described for water reservoirs, to report back the bill and amendments and to move that the Senate disagree to the amendments of the House, and request a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. CARTER, Mr. FLINT, and Mr. PATTERSON as the conferees on the part of the Senate.

REFERENCE OF CLAIMS TO COURT OF CLAIMS.

Mr. FULTON, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims of the trustees of the Methodist Episcopal Church of Webster, W. Va. (S. 105); Methodist Episcopal Church South, of St. Albans, W. Va. (S. 106); Presbyterian Church of French Creek, W. Va. (S. 107); Baptist Church of Fayette County, W. Va. (S. 108); Presbyterian Church of Somerset, Ky. (S. 387); First Presbyterian Church of Harrodsburg, Ky. (S. 388); Baptist Church of Princeton, Ky. (S. 390); Downings Methodist Episcopal Church South, of Oak Hall, Va. (S. 718); First Baptist Church, of Mansfield, La. (S. 858); Methodist Episcopal Church South, of Phoenix, Miss. (S. 1005); trustees of Massaponax Baptist Church, of Massaponax, Va. (S. 1190); Grace Episcopal Church, of Berryville, Va. (S. 1192); Board of Commissioners of Judah Touro Almshouse, New Orleans, La. (S. 1219); trustees of the Methodist Episcopal Church South, of Barboursville, W. Va. (S. 1311); trustees of Methodist Episcopal Church South, Charleston, W. Va. (S. 1312); trustees of Methodist Episcopal Church South, of Boothsville, W. Va. (S. 1313); trustees of Zion Protestant Episcopal Church, of Charleston, W. Va. (S. 1314); trustees of the Methodist Episcopal Church, of Bunker Hill, W. Va. (S. 1315); trustees of the Presbyterian Church, of Springfield, W. Va. (S. 1316); trustees of the Methodist Episcopal Church South, of Petersburg, W. Va. (S. 1317); trustees of the Methodist Episcopal Church South, of Flatwoods, W. Va. (S. 1318); Primitive Baptist Church, of Pelham, Tenn. (S. 1383); trustees of Hennegan's Chapel, Methodist Episcopal Church South, Dunlap, Tenn. (S. 1387); trustees of Pleasant Grove Baptist Church, of Ringgold, Ga. (S. 1871); trustees of the African Methodist Episcopal Church, of Washington County, Md. (S. 2118); trustees of the German Reformed Church, of Boonsboro, Md. (S. 2126); vestry of St. Paul's Protestant Episcopal Church, situated near Point of Rocks, Md. (S. 2129); trustees of the Methodist Episcopal Church, of Keyser, formerly New Creek, W. Va. (S. 2231); trustees of the Presbyterian Church, of Franklin, Tenn. (S. 2298); Methodist Protestant Church, Lynchburg, Va. (S. 2361); trustees of Barea Christian Church, of Spottsylvania, Va. (S. 2362); trustees of the Methodist Episcopal Church, of Warrenton, Mo. (S. 2490); trustees of the Christian Church, of Sturgeon, Mo. (S. 2491); trustees of the Christian Church, of Marshall, Mo. (S. 2492); trustees of Trinity Episcopal Church, of Marshall, Va. (S. 2587);

trustees of the Methodist Episcopal Church South, Centerville, Va. (S. 2588); trustees of Forest Hill Methodist Episcopal Church, of Dumfries, Va. (S. 2589); trustees of the Methodist Episcopal Church South, Deep Creek, Va. (S. 2590); trustees of Andrew Chapel, Methodist Episcopal Church South, Fairfax County, Va. (S. 2591); trustees of Lee Chapel, Methodist Episcopal Church South, Fairfax County, Va. (S. 2592); trustees of the Sons of Temperance, Portsmouth, Va. (S. 2593); trustees of the Macedonia Methodist Episcopal Church, of Stafford County, Va. (S. 2594); Society of the United Brethren in Christ, Tyrone, Pa. (S. 2637); trustees of the Christian Church, of Crab Orchard, Ky. (S. 2830); Church of Christ, of La Vergne, Tenn. (S. 2967); wardens and vestry of Grace Church, Charleston, S. C. (S. 3007); Church of the Cross, St. Luke's Parish, Bluffton, S. C. (S. 3008); Trinity Church, on Edisto Island, South Carolina (S. 3009); Church of the Holy Trinity, Grahamville, S. C. (S. 3010); trustees of Enhan Baptist Church, of Grahamville, S. C. (S. 3011); Protestant Episcopal Church of the parish of Charleston, S. C. (S. 3012); Stony Creek Presbyterian Church, McPhersonville, S. C. (S. 3013); trustees of Black Swamp Baptist Church, Robertville, S. C. (S. 3014); French Protestant Church, at Charleston, S. C. (S. 3015); Winyah Lodge, No. 40, Ancient Free and Accepted Masons, South Carolina (S. 3016); wardens and vestry of St. Helena Episcopal Church, of Beaufort, S. C. (S. 3017); trustees of Baptist Church of Beaufort, S. C. (S. 3018); Sheldon Episcopal Church, of Prince William Parish, South Carolina (S. 3021); Methodist Episcopal Church of Bellefonte, Jackson County, Ala. (S. 3066); trustees of Baptist Church, of Harrisonville, Mo. (S. 3304); trustees of the Christian Church, of Harrisonville, Mo. (S. 3305); Presbyterian Church, of Huntsville, Ala.; trustees of the Methodist Church South, of Decatur, Ala.; trustees of Cumberland Presbyterian Church, of Athens, Limestone County, Ala.; trustees of the Cumberland Presbyterian Church, of Larkinsville, Ala.; trustees of Lebanon Methodist Episcopal Church South, near Whitesburg, Madison County, Ala.; trustees of the Cumberland Presbyterian Church, at New Garden Camp Ground, Limestone County, Ala.; trustees of the Cumberland Presbyterian Church, of Pleasant Springs, Ala.; trustees of Missionary Baptist Church, of Gravelly Springs, Ala.; trustees of First Baptist Church, of Decatur, Ala.; trustees of Harmony Methodist Church, of Limestone, Ala.; trustees of the Presbyterian Church of Decatur, Ala.; trustees of the Methodist Episcopal Church South, of Bellefonte, Ala.; trustees of the Cumberland Presbyterian Church, of Bellefonte, Ala.; trustees of the Walnut Grove Cumberland Presbyterian Church, of Madison County, Ala.; trustees of the Chestnut Grove Church, of Morgan County, Ala.; trustees of La Grange College, of Colbert County, Ala.; trustees of North Alabama College, Huntsville, Ala.; Masonic Lodge of Tuscumbia, Colbert County, Ala.; Florence Masonic Lodge, of Florence, Ala.; Bollivar Lodge of Free and Accepted Masons, of Stevenson, Ala.; Decatur Lodge, No. 52, Independent Order of Odd Fellows, of Decatur, Ala. (twenty-one cases) (S. 6393); trustees of the Cumberland Presbyterian Church, of Russellville, Ky. (S. 3440); congregation of the Christian Church of Acworth, Ga. (S. 3560); trustees of the Missionary Baptist Church, of Powder Springs, Ga. (S. 3561); trustees of the Methodist Episcopal Church South, of Powder Springs, Ga. (S. 3562); Corporation of Roman Catholic Clergymen, of Maryland (S. 3661); Cumberland Presbyterian Church, of Granville, Tenn. (S. 3826); trustees of the Methodist Episcopal Church South, of Franklin, Tenn. (S. 3828); Cumberland Presbyterian Church, of Waverly, Tenn. (S. 3962); vestry of the Church of Messiah Protestant Episcopal Church, of St. Marys, Ga. (S. 3976); trustees of the Methodist Episcopal Church South, of Mount Crawford, Va. (S. 4022); trustees of the Downing Methodist Episcopal Church South, of Oak Hall, Accomac County, Va. (S. 4023); trustees of Court Street Baptist Church, of Portsmouth, Va. (S. 4024); trustees of the Union Church, Toms Brook, Va. (S. 4025); First Baptist Church, of Newbern, N. C. (S. 4117); trustees of the Methodist Episcopal Church of Falls Church, Va. (S. 4217); trustees of Langley Methodist Episcopal Church, of Langley, Fairfax County, Va. (S. 4218); Mount Zion Church, of Williamson County, Tenn. (S. 4241); Presbyterian Church of Linnville, Giles County, Tenn. (S. 4242); trustees of the Methodist Episcopal Church South, of Glennville, W. Va. (S. 4380); Boiling Fork Baptist Church, Cowan, Tenn. (S. 4417); Methodist Episcopal Church South, of Beaufort, Carteret County, N. C. (S. 4602); St. Luke's Protestant Episcopal Church, Marianna, Fla. (S. 4662); trustees of the Church of Christ, Bledsoe County, Tenn. (S. 4706); Jerusalem Evangelical Lutheran Church, of Ebenezer, Ga. (S. 4729); Christian Church of Atlanta, Ga. (S. 4920); Roman Catholic Church of Jacksonville, Fla. (S. 4980); trustees of Three Mile Creek Church of Christ, Barnwell County, S. C. (S. 5232); vestry of St. Peter's Church, of New Kent County, Va. (S. 5404); trustees of Fredericksburg Lodge, No. 4, Ancient Free and Accepted Masons (Virginia) (S. 5407); trustees of the Town School House of Onancock, Accomac County, Va. (S. 5408); trustees of Calvary Protestant Episcopal Church, of Front Royal, Va. (S. 5495); vestry of Falls Church, in Falls Church, Va. (S. 5518); trustees of Pisgah Presbyterian Church, of Somerset, Ky. (S. 5568); Mountain Creek Baptist Church, of Hamilton County, Tenn. (S. 5678); Walnut Grove Church, of Gibson County, Tenn. (S. 5712); trustees of the Christian Church of Savannah, Mo. (S. 5714); Hood Swamp Baptist Church and the Union Baptist Association (North Carolina) (S. 5743); Board of Education of Harpers Ferry district, Jefferson County, W. Va. (S. 5819); Cleveland Masonic Lodge, No. 134, Cleveland, Tenn. (S. 5847); trustees of Eudora Baptist Church, of White Station, Tenn. (S. 5849); trustees of Kent Street Presbyterian Church, of Winchester, W. Va. (S. 5894); trustees of Leavenworth Female College, of Petersburg, Va. (S. 5897); trustees of the College of Beaufort, of Beaufort, S. C. (S. 5914); St. Paul Reformed Church, of Woodstock, Va. (S. 5918); St. John's Episcopal Church, of Charleston, W. Va. (S. 6009); trustees of Ebenezer Methodist Episcopal Church South, of Hampton County, S. C. (S. 6072); trustees of the Baptist Church of Hardeeville, S. C. (S. 6073); Madison Female Institute, Richmond, Ky. (S. 6088); trustees of the Methodist Church of Bunker Hill, formerly Mill Creek, W. Va. (S. 6100); trustees of Loudon Street Presbyterian Church, Winchester, Va. (S. 6178); trustees of Mount Crawford (Va.) Methodist Episcopal Church (S. 6179); trustees of the Methodist Episcopal Church South, of Williamsburg, Va. (S. 6180); trustees of the Methodist Episcopal Church of Brighton, S. C. (S. 6212); trustees of Cumberland Presbyterian Church, of Mulberry, Crawford County, Ark. (S. 6282); Shiloh Presbyterian Church, Calhoun, Tenn. (S. 6296); trustees of the Chickamauga Missionary Baptist Church, Hamilton County, Tenn. (S. 6297); trustees of Presbyterian Church, Keyser, formerly New Creek, W. Va. (S. 6316); trustees of the Methodist Episcopal Church South, of Huntsville, Ala. (S. 6345); Methodist Episcopal Church South, of Ringgold, Ga. (S. 6373); Third Presbyterian Church of New Orleans, La. (S. 6392), and Hiwassee Masonic Lodge, No. 188, Calhoun, Tenn. (S. 6400), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act." And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. STONE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6449) for the relief of the trustees of the Presbyterian Church of Macon, Mo.; and

A bill (S. 6450) for the relief of the trustees of the Methodist Episcopal Church of Macon, Mo.

Mr. NELSON introduced a bill (S. 6451) to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CLAPP introduced a bill (S. 6452) to amend an act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," by defining the boundaries of the forest reserve, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GEARIN introduced a bill (S. 6453) to relinquish the interest of the United States to the west half of section 36, township 9 south, range 5 east, Willamette meridian, situate in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PENROSE introduced a bill (S. 6454) to correct the military record of Isaac Addis; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MALLORY submitted an amendment proposing to appropriate $3,679.19 to pay the heirs of Joseph Sierra, deceased, late collector of customs at Pensacola, Fla., and proposing to appropriate $900 to pay the heirs of Fernando J. Moreno, deceased, late United States marshal for the southern district of Florida, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. NELSON submitted an amendment relative to cadets and officers of the Revenue-Cutter Service, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PANAMA RAILROAD COMPANY, ETC.

Mr. MORGAN submitted the following resolution, which was read:

Resolved by the Senate, That the Committee on Interoceanic Canals is directed to inquire, with all reasonable diligence, and to report by bill or otherwise—

First. Whether it is necessary and is consistent with public policy and proper economy that the business and property of the Panama Railroad should continue to be held or conducted under and in accordance with the charter of the Panama Railroad Company enacted by the legislature of the State of New York, and should remain under the legislative or other control of that State; or whether the control of said railroad and of all property held or controlled in its name, or in connection with it, should be placed under the jurisdiction and control and in the possession of the Isthmian Canal Commission, or other lawful authority in the Panama Canal Zone subject to the authority of Congress.

Second. Whether the Government of the United States should assume the outstanding debts and obligations of the Panama Railroad Company, and what provision should be made for their liquidation or payment.

Third. Whether the Government of the United States has any and what right to stock in the New Panama Canal Company that was issued to the Government of Colombia to the amount of 5,000,000 francs, or to any dividends or payments due on such stock from any funds in the treasury of said canal company.

Fourth. Whether the persons claiming to be members of the board of directors of the Panama Railroad Company hold such places as directors by any lawful tenure or authority; and if they are not so entitled, whether their appointment as such directors should be sanctioned by the approval of Congress.

Mr. MORGAN. Mr. President, I ask for the present consideration of the resolution. It is a mere resolution of inquiry, instructing the committee to make certain inquiries about matters that are very important to be inquired into and acted upon as speedily, I think, as possible.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent for the present consideration of the resolution just read. Is there objection?

Mr. HOPKINS. I did not hear the resolution read. I should like to hear it read before consenting to its consideration.

The VICE-PRESIDENT. The Secretary will again read the resolution at the request of the Senator from Illinois.

The Secretary again read the resolution.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Alabama for the present consideration of the resolution?

Mr. HOPKINS. In the absence of the chairman of the committee, I feel like asking to have the resolution go over until to-morrow morning.

The VICE-PRESIDENT. Under objection, the resolution will lie over.

HARRIET P. SANDERS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9813) granting a pension to Harriet P. Sanders, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment and accept the same, and that the bill be amended as follows: In line 6 strike out the word "Hariet" and insert in lieu thereof the word "Harriet."

Amend the title so as to read: "A bill granting a pension to Harriet P. Sanders.

P. J. McCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

SAMUEL W. SMITH,
CHARLES E. FULLER,
JNO. A. KELIHER,
Managers on the part of the House.

The report was agreed to.

REGULATION AND SALE OF SPONGES.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 4806, "An act to regulate the landing, delivery, cure, and sale of sponges," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In the second line of the language proposed to be inserted strike out the word "sponge" and insert "sponges taken from said waters," so that the amendment will read:

"*And provided further*, That no sponges taken from said waters shall be landed, delivered, cured, or offered for sale at any port or place in the United States of a smaller size than four inches in diameter."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House on page 1, line 3, striking out the words "the passage of this act," and inserting "May first, anno Domini, nineteen hundred and seven;" and agree to the same.

S. M. CULLOM,
H. C. LODGE,
A. O. BACON,
Managers on the part of the Senate.

E. H. HINSHAW,
THOS. SPIGHT,
Managers on the part of the House.

The report was agreed to.

ENTRY OF LANDS UNDER RECLAMATION ACT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18536) providing for the subdivision of lands entered under the reclamation act, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ANKENY. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. ANKENY, Mr. CARTER, and Mr. DUBOIS as the conferees on the part of the Senate.

ADDITIONAL COLLECTION DISTRICT IN TEXAS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10715) to establish an additional collection district in the State of Texas, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. Mr. President, I move that the Senate insist upon its amendments disagreed to by the House of Representatives, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. ELKINS, Mr. HOPKINS, and Mr. CLAY as the conferees on the part of the Senate.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. KNOX. I ask the Senate to proceed to the consideration of House bill 14396.

The VICE-PRESIDENT. Under the unanimous-consent agreement the bill is in order, and the Chair lays it before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

The VICE-PRESIDENT. The first amendment reported by the Committee on Commerce will be stated.

The first amendment reported by the Committee on Commerce was, on page 2, section 1, line 2, after the word "seal," to strike out "receive and acquire, by purchase or otherwise, real and personal property and rights of property, and may hold, use, lease, sell, mortgage, encumber, charge, pledge, grant, assign, and convey the same, and generally have and exercise all the powers usually granted to and vested in corporations of the United States of America, and especially full powers to carry out the purposes of this act" and to insert:

And the said corporation shall have and possess full power and authority to construct, equip, maintain, and operate the canals with appurtenances hereinafter described, and with power to take, receive, acquire, purchase, hold, use, lease, sell, mortgage, encumber, charge, pledge, grant, assign, and convey all such real and personal property and rights of property as may be requisite and needed in and about the construction, equipment, maintenance, and operation of said canals or anything appertaining thereto. Said corporation is hereby vested with full and complete power to pledge, encumber, and mortgage any or all of its property and franchises for the purpose of raising, obtaining, and securing such funds or moneys as may be needed for the construction, equipment, maintenance, and operation of said canals or anything appertaining thereto. Said corporation is also vested with all such further and additional powers as may be necessary to carry out the purposes of this act.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. BACON. Is that the first amendment, Mr. President?

The VICE-PRESIDENT. It is the first amendment.

Mr. CULBERSON. Mr. President, just for a moment; by the courtesy of the Senator from Georgia [Mr. BACON], I suggest to the Senator from Pennsylvania [Mr. KNOX] that the last three lines of this amendment seem to me to be entirely too broad.

Mr. PENROSE. Mr. President, I hope we may have order. We can not hear what the Senator from Texas is saying on this side of the Chamber.

The VICE-PRESIDENT. The Senator from Texas will suspend until the Senate is in order. [A pause.] The Senator from Texas.

Mr. CULBERSON. I was suggesting to the Senator from Pennsylvania [Mr. KNOX], who has this bill in charge, that the last three lines of the committee amendment on page 2, lines 23, 24, and 25, it seems to me, ought to be stricken out, because the objects of the corporation and the purposes for which the corporation is to be created are fully stated in the bill. Then to declare generally that, in addition to the specific purposes for which it is created, it "is also vested with all such further and additional powers as may be necessary to carry out the purposes of this act" is entirely too broad and liberal a provision to be inserted in an act for the creation of a corporation of this character. I simply call the attention of the Senator in charge of the bill to it, to see if he does not agree with that suggestion, and to see if it can not be remedied to that extent without debate.

Mr. KNOX. Mr. President, in response to the suggestion of the Senator from Texas [Mr. CULBERSON], I will take this opportunity of saying that, while I called this bill up, I am not in charge of the bill in the sense that I have any control over it. I am not a member of the committee which reported the bill. The bill was reported by the senior Senator from Minnesota [Mr. NELSON], who, on account of engagements, asked me to

call it up and present it to the Senate. Therefore I am in no position authoritatively to commit the committee, but I have no objection whatever to answering the question, so far as I am personally concerned.

While the provision to which the Senator from Texas refers is not unusual and must be construed in the light of specific provisions contained in the bill, personally I see no objection to striking it out, because I do not think it either expands or limits—certainly it does not limit or expand the power that is being specifically conferred.

Mr. NELSON. Mr. President, I was interrupted by the conversation around me and did not catch the suggestion or criticism made by the Senator from Texas, and I should be glad to have him state it again.

Mr. CULBERSON. The suggestion, Mr. President, was simply that the specific purposes for which the corporation is to be created are fully stated in the bill, and that I see no reason to complicate the matter by adding a general declaration that the corporation shall have all other powers necessary to carry out the purposes of the corporation, because, in my judgment, differing from the Senator from Pennsylvania [Mr. KNOX], I believe the effect would be to enlarge rather than limit the purposes of the corporation to those expressly given.

Mr. NELSON. What are the particular words in the bill to which the Senator objects?

Mr. CULBERSON. The last sentence at the bottom of page 2.

Mr. NELSON. Mr. President, I do not think those words are material. They do not enlarge the scope of the bill; and as the Senator objects to them, I shall make no objection to striking those words out, for I do not think that would militate against the main object of the bill.

The VICE-PRESIDENT. The amendment suggested by the Senator from Texas [Mr. CULBERSON] to the amendment of the committee will be stated.

The SECRETARY. It is proposed to amend the committee amendment on page 2, section 1, line 23, after the word "thereto," by striking out:

Said corporation is also vested with all such further and additional powers as may be necessary to carry out the purposes of this act.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. Without objection, the amendment as amended will be considered as agreed to.

Mr. BACON. I hope that will not be done.

The VICE-PRESIDENT. Then the question will be on agreeing to the committee amendment as amended.

Mr. TELLER. Mr. President, yesterday I hastily made some objections to this bill. I had not then read it; but since then I have read it, and I find that the committee which has had the bill in charge has endeavored to remove some of the objections that certainly existed against it as it came from the other House.

I object to the bill, Mr. President, on general principles. I do not believe that there is any necessity in this case why the Government of the United States should attempt to give a charter to this canal company. I am not going to deny that there can be a case suggested in which the General Government might issue such a charter. It is possible for the Government to do so for certain purposes, but there is no necessity for it in this case.

I suppose this bill will become a law, and I do not know but the bill is as well guarded as it is possible to guard a bill of this character. I understand that section 9 is to be amended, or was amended, perhaps, yesterday before my attention was called to it and I raised an objection to it.

Mr. NELSON. I will say to the Senator from Colorado, if he will allow me to interrupt him——

Mr. TELLER. Certainly.

Mr. NELSON. That at the proper time I shall move an amendment to meet the objection which was raised by the Senator from Texas [Mr. CULBERSON] to section 9.

Mr. TELLER. It would perhaps be a good deal easier to determine what my objection to this bill is if I knew what the amendment intended to be proposed by the Senator from Minnesota would be. Will the Senator offer his amendment now?

Mr. NELSON. I will do so as soon as we reach that point. It would be a little out of order now. I will state, however, that my amendment will be, when we reach that section, after the word "regulate," in line 13, on page 6, to insert the words "as to interstate and foreign commerce;" so that it will read:

Congress hereby reserves the right to regulate, as to interstate and foreign commerce, the tolls, fares, and rates to be charged by said company for the use of said canals.

That limits it distinctly to interstate and foreign commerce. I propose to amend, also, after the word "all," in line 15, by inserting the words "interstate and foreign;" so as to read:

And the said company and the said canals and all interstate and foreign transportation thereon shall be subject to all the provisions of an act entitled "An act to regulate commerce," etc.

That limits that paragraph strictly to interstate and foreign commerce, and leaves the States with full power to regulate as to local traffic.

Mr. TELLER. Mr. President, that removes one objection which I had to the bill. When I came into the Senate Chamber yesterday afternoon the Senator from Pennsylvania [Mr. KNOX] was just closing his remarks on the bill, and the Senator from Texas [Mr. CULBERSON] was asking him some questions. I repeat, the amendment suggested by the Senator from Minnesota removes that objection.

I should like to ask the Senator who has the bill more particularly in his charge, and who is informed as to the character of changes from the House bill, whether under this bill the State of Ohio and the State of Pennsylvania will be authorized to tax this property as property, or whether it will be held to be property that is not to be taxed?

Mr. NELSON. I think there is nothing in the bill that would prevent that. That is my understanding.

I will say to the Senator from Colorado that he probably has observed that the committee carefully considered the bill and reported amendments to keep the bill within proper bounds, so as to safeguard the rights of the States in every particular as far as was necessary; and I think the Senator will discover as we proceed with the consideration of the committee amendments that we have amply protected the States in that respect.

Mr. TELLER. Mr. President, that is a matter which, I suppose, the Representatives of the States of Pennsylvania and Ohio ought to have more concern about than I, except that I do not wish to have the precedent established that the Government can charter a canal, a railroad, or any other means of transportation, and relieve it from State taxation and State control so far as interstate commerce is concerned.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. TELLER. Certainly.

Mr. KNOX. I merely wish to ask the Senator from Colorado if he has observed the provision in the twenty-second section, on the last page of the bill?

Mr. TELLER. Yes; I have observed that. I will simply say, however, that if I had drawn that provision I should have drawn it a little more positively, and provided that the States reserve the right to tax even against the Government of the United States.

Mr. PENROSE. Mr. President, I will state, for the information of the Senator from Colorado, that, in the opinion of the committee and of the gentlemen making application for this legislation, there is nothing to prevent either the State of Ohio or the State of Pennsylvania from taxing the franchises and property of this corporation and exercising all the sovereign prerogatives of sovereign States in connection therewith.

Mr. TELLER. Mr. President, I do not myself believe that Congress can charter a corporation of this kind and exempt its property from taxation. There is—I can hardly call it dicta—an expression by the Supreme Court which would seem to sustain that view as to what it could do in a certain case. I will admit that the General Government can exempt certain things from taxation—the property of the United States, for instance—and I do not know but Congress could, in certain cases, organize a company to perform some services for the Government direct, where it might possibly exempt it from taxation, but I deny that it can properly do it in a case of this kind.

I want to deny the right of the General Government at any time to create a mere commercial agency for the transportation of property under the interstate-commerce provision or any other provision of the Constitution and exempt it from taxation.

Mr. SPOONER. Does the Senator think the States could tax the franchise of a corporation created by the General Government to operate a canal as contradistinguished from its physical property?

Mr. TELLER. Mr. President, that is not a question that I care to enter upon just now.

Mr. BACON. I will state to the Senator that the Supreme Court of the United States have decided explicitly that they can not tax it.

Mr. TELLER. That is not the question I was discussing. There is a very great difference between taxing the franchise and taxing the property.

Mr. SPOONER. I had reference to the statement of the senior Senator from Pennsylvania as to what his opinion was.

Mr. TELLER. Mr. President, if this were an original question, I would say to the Senator from Wisconsin, if I had been authorized to determine that question, that I should not hesitate to say when the Government of the United States created an organization they could tax that organization in any way they saw fit if they were not prohibited from doing so by the rights of the States. If it were a pure corporation in the District of Columbia, I think they might and ought to tax its franchise. I think a State ought to be allowed to impose a franchise tax if it sees fit.

But I am not raising that question. I believe when this bill is properly construed the property of the canal corporation will be subject to taxation by the State of Pennsylvania as to such parts as are within Pennsylvania, and by the State of Ohio as to such parts as are within that State. If the Government has any right to charter this corporation at all, it is because it is in the interest of the promotion of interstate commerce. That I am not going to deny. But I think in this case they have gone further. This proposed canal will go from one State into another——

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him a moment?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. TELLER. Yes; I do.

Mr. NELSON. The proposed canal is to connect the waters of the Ohio with Lake Erie. When that connection is made, boats can pass from Duluth, Minn., through Lake Superior, clear down into the Ohio River. It perfects and completes an interstate water course extending from the headwaters of Lake Superior clear to the Gulf of Mexico. If it were only to connect the waters of the State of Ohio with the waters of the State of Pennsylvania, it would be a small matter, but it affects more than twenty-five different States and the commerce of more than twenty-five States.

Mr. TELLER. Mr. President, I fully understand that; but the principle is the same whether it connects the waters of one State with another State or with the waters of several other States. I am not questioning the right of the Government of the United States to charter an agency of interstate commerce, but I do question whether this bill does not go beyond that when it provides for lateral branches in the State of Ohio.

The proposed canal, I think, is an important canal, and I am not going to contend that it is not. It is one that I will be glad to see built, if it is built in a proper manner and under proper restrictions. I do not think, however, that that is the place to connect the Great Lakes with the canal. I think the canal should commence in the neighborhood of the city of Chicago and extend down to the Illinois River, thence flowing into the Mississippi River, and so to the Gulf. Some day I hope that may be done, though it will require, undoubtedly, the assistance of the General Government.

All I want is to have it established, if I can, that this bill is not to create a precedent that will enable some one to turn up here some day and say, "You did this in the case of the Lake Erie and Ohio River ship canal, and thereby have established a precedent by which the Government will practically take control of the commerce of the States by corporations of its creation."

So far as my political feelings and my ideas about these matters have always gone, I am a nationalist in the broadest sense of the term. I believe in the National Government. I believe that every function that can be discharged by the National Government should be discharged in the fullest possible manner, where there is not any limitation or restriction upon it; but when it comes to questions of this kind, then I believe the States are, in the first instance, supreme, and that the great business of this country must be done under the control and direction of the States and not under the nation.

The Government of the United States was given power to regulate commerce not simply between the people of two neighboring States, but between all the States, and between all the States and foreign countries. I believe that the people of the States of Washington, Oregon, Nevada, and the west coast are, as I believe the people of New England are, better acquainted with their needs and wants and better prepared to discharge their duties in respect to those needs and wants than are the whole people of the United States. I want simply to maintain the relation that has always existed heretofore between the States and the General Government. That is all. I want to enter a protest, so far as anything in this bill will mean more than that.

There are some things in the bill which, if I had an opportunity, I could have tried to have eliminated. For instance, I notice a provision that has been put in the bill since it came to the Senate that no water can be taken from the Niagara River. We have had before us a bill to prevent citizens of the State of New York from taking water out of the Niagara River at Niagara Falls. Just so far as the taking of the water out of the Niagara River may interfere with navigation, the Government of the United States has a voice in the matter, but absolutely none otherwise. The Niagara River is not, except in one part of it, a navigable river, and water may be taken out of it without interfering with navigation. This proposed canal company ought to have the right, if they can do it without interfering with navigation, to take water out of that river; and the Government of the United States has neither the right nor the power, in my judgment, to interdict such action unless it would interfere with the navigable character of that stream.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. Certainly.

Mr. MONEY. I simply want to remind the Senator from Colorado that the Niagara River is a boundary stream, and the question of water flow must be settled by treaty arrangement with Great Britain.

Mr. TELLER. I do not care to go into that discussion, except to say that by international law we are allowed to exercise all the powers over our part of the stream we would have if the whole stream were in the United States. We can take water out of it or we can sail on it if we choose. That matter, Mr. President, has been settled by a great many controversies, and there is ample authority for that statement. If the Senator will look at the opinion rendered some years ago by Mr. Harmon, the Attorney-General, he will find a very exhaustive exposition as to the rights of border countries on the rivers which separate them.

Mr. MONEY. Mr. President, if the Senator will permit me to interrupt him again—I have no desire to interfere with him—this matter is now before the Senate in a report from the Committee on Foreign Relations and a proposed treaty with Great Britain which undertakes to settle the question. That treaty is now on the Executive Calendar of the Senate and will settle that whole question. The report refers to all the authorities which the Senator has cited and with which he is very familiar.

Mr. TELLER. Mr. President, I am quite aware of that. I am quite aware that there is a treaty here pending. I have not had time to give it close examination, but I am free to say, from what I know of it, that it is a treaty that never ought to have been negotiated and never ought to be ratified by the United States Government. I will say that if it is in the open Senate. We are called upon in that treaty to make concessions that the law of nations does not require us to make. However, that has nothing to do with this question.

Mr. President, I do not wish to be considered as an opponent of this or any other canal. I would like to see the Government of the United States build a ship canal from the Lakes to the Gulf of Mexico; and some day I have no doubt that will be done. I would like to see the Government do many things in that line in the interest of commerce, which it is not likely to do, but which it has the power to do. If the proposition were to have the Government itself build this canal in the interest of commerce, I should not particularly object, and I do not now object, except that I do not think the bill is as properly guarded as it might be. While it probably is my duty, if I do not like a bill, to try to have it amended, just now in the condition the Senate is in, in the last hours of the session, as it were, with everything pressing upon us, there is no one, unless it is somebody directly interested in the bill, who can spare the time to attempt to make it such a bill as it ought to be.

Mr. ELKINS. Mr. President, as a member of the Committee on Commerce, I am somewhat familiar with the provisions of this bill. I think the matter was fully considered, every possible objection weighed, and the rights and interests of the States as well as those of private citizens properly guarded. I think, Mr. President, it is a fortunate circumstance that we have found capital enough in the United States to build this canal without asking the United States to build it. It has long been in the public mind. For fifty years the question of the building of a canal to connect Lake Erie with the Ohio River has been agitated. The question has always been, Would the Government father such a scheme or enterprise owing to its national importance?

Mr. President, the greatest freight-producing river in the United States and perhaps in the world is the Ohio River. There is a billion dollars' worth of commerce on the Ohio River,

and if this canal is constructed, as I think and hope it will be, vessels from Duluth and from all the Lake points can find an outlet through the Ohio River, down the Mississippi River, with the products of the States on the Lakes——

Mr. PENROSE. And from New England.

Mr. ELKINS. And from New England, as well as twenty-five States of the Union, not to speak of products that may be destined to the Orient, and find all water transportation, instead of part rail and part water.

Mr. President, this enterprise affects most beneficially and immediately the States of West Virginia and Pennsylvania. Take the State of West Virginia. The Government has improved the Monongahela River, the Ohio River, the Little Kanawha, the Big Kanawha, and the Big Sandy. There are four rivers in the State of West Virginia, improved by the Government, which empty into the Ohio River. All those important waterways carry coal. Coal can be loaded in vessels carrying 600 to 1,500 tons and reach all the Lake ports, both in this country and Canada, and thus afford an outlet at a rate for transportation possibly one-half of what the railroads charge. Besides that, the products of West Virginia and Pennsylvania will be able not only to reach Duluth, but all intermediate points and Chicago by water all the way, and by using the Erie Canal can get to New York City and to New England ports, to which transportation now by rail is very high.

I know of no enterprise that would have such an important beneficial effect on the development of the interior commerce of Ohio, Pennsylvania, and West Virginia as the building of this canal, and all without a dollar's expense to the United States.

As I said before, every interest is guarded and protected by this bill. Not only did the House pass upon it first, but amendments that were suggested in the Senate Committee on Commerce and made by the committee were submitted to the War Department and have the approval of the Department. I think everything has been done that possibly could be done in the way of safeguarding private and public interests. As I said, I know of no enterprise which would have the far-reaching effect that the building of this canal will have, and I hope to see the bill pass substantially as it came from the committee, where it had the most careful consideration. In my opinion, the business on these waterways in the long future, I will not say immediately, will be increased 50 per cent, and it will be done at a cost which railroads can not haul the products. The effect upon Ohio River and Mississippi River States will be magical. There is nothing in the history of the development of the country to compare with the building of this canal, and I hope to see the bill pass substantially as it has been reported to the Senate.

Mr. BACON. Mr. President, it is not very pleasant to antagonize a measure in the passage of which Senators have a deep interest, and nothing would induce me to do so in this instance but the conviction, and the very firm conviction, that this is an improper piece of legislation. If I were sure that the bill would pass, I would still feel it my duty to state some of the reasons at least why I can not give it my support.

Everything which is said with reference to the magnitude of this work and its importance I will freely grant, and for the purpose of the objection I may have, it may be fully conceded. My objection is to the work being authorized by an incorporation of the United States, a charter granted by the Government of the United States. It is not in my opinion a proper enterprise for the Government of the United States considered by itself, and considered as to the precedent which will be established, and as to the wide departure upon which we will thus enter, I think it is very much more objectionable than simply when considered as an isolated piece of legislation.

I know, Mr. President, that it is now the vogue to look askance at any suggestion that there is any function which the Federal Government should not perform, and to look with still more disfavor upon the suggestion that there is any remaining function which ought to belong to a State and to be exercised solely by a State, and upon the exercise of which the Federal Government should not intrude. And yet we are here as representatives of States, and we of all officials in the Government of the United States ought to be jealous that the functions which do properly belong to a State should be exercised by a State and not be usurped or exercised by the General Government.

Of course, Mr. President, there are certain claims which have been made in times past as to where that line of demarcation between the Federal function and the State function, or Federal power and State power begins or ends—questions raised in the past which are new settled definitely and finally, and the questions thus formerly involved are forever outside of the domain of dispute or discussion. But there are still important matters in which that line of distinction should be regarded by all of the Government, some matters in which the functions of the States are to be guarded, and especially by us, as the representatives of States.

The dual capacity of this Government is its most distinctive and its most valuable feature, and the larger the country grows and the more numerous the States, the more important becomes the preservation of that feature, because where the General Government legislates, it legislates for the entire country, and legislation which may suit one part of the country does not always suit another, and for that reason, and out of it, grows the great demand and necessity and importance of local government for local affairs and the great importance that the Federal Government shall confine itself to the functions, the necessity for which called it into being.

It is manifest that there is an increasing tendency and practice to devolve in great degree upon the Federal Government the functions which have heretofore been exercised by the States. There is scarcely a public need but that to satisfy it in some shape recourse is had to Congressional or Executive action. Conceding that much of this encroachment is due to the increasing business of the country and the increasing intimacy of the business relations between the people of the different States, and can not be avoided, the fact of such tendency in cases which can not well be resisted makes it all the more important that the legitimate functions of the States should not be invaded or infringed upon in cases where no public interest requires that Congress should do so.

Mr. President, it is a well-recognized rule, one we apparently forget, but none the less fully established by the decisions of the courts, that the Federal Government has no right or authority to grant a charter of incorporation except for the performance of some governmental function. Of course I can not to-day enter into an elaborate argument on this question, and I do not propose to attempt to do so. I am very sorry, indeed, that this bill comes up at the stage of the session spoken of by the Senator from Colorado [Mr. TELLER], when the Senate would be impatient at anything like an extended argument upon these special questions, great and fundamental as they are, and I do no more than to allude to them.

I recognize the fact, Mr. President, that perhaps this particular bill might be held by the courts to be constitutional, but that is not the sole question which should control us. When we as lawmakers come to make a law, we are to be controlled by the larger consideration than what the courts will hold. We are to be controlled by what we deem to be the intent and purpose of the Constitution in conferring upon us all power of legislation.

On this particular question, to omit anything which may be more general, and coming down to the specific question here, of course I recognize that there are agencies of interstate commerce which it is proper that Congress should inaugurate and should charter, if you please. I recognize further that there is a general principle upon which the courts might hold an incorporation to be a constitutional act, which at the same time would not be a legitimate and proper and constitutional exercise of our functions on our part; and I illustrate by this particular case.

There is no doubt that where the object of an incorporation is primarily and truthfully to subserve a great governmental function, that the act is not only one which the courts will hold to be constitutional, but a law in the passage of which we will have discharged our duty and will have in no manner contravened the spirit and design of the Constitution. I recognize, further, that an act of incorporation may be passed and words included in it, as in this act, relative to the carriage of troops and the carriage of the mails, etc., which courts could not dispute or call in question as to the sincerity of Congress in the use thereof, and on account of which words the courts would hold it was a legitimate and constitutional act; but in such case, if the words are inserted for the purpose of giving jurisdiction for such legislation, and such expressed purpose is not the purpose, and where there is no Federal public function to be performed calling for such incorporation, we have transcended our duty when we take advantage of such phraseology for the purpose of placing an improper enactment beyond the condemnation of the courts.

Mr. President, the line is drawn somewhere in the enactment of charters between those which are legitimately for the purpose of enabling the Government to perform some governmental function and the other class which are not for the purpose of the performance of any governmental function, where the line is so indistinct that courts can not assume to draw the distinction, but must depend on the recitations in the act, and where it must be left to our conscience as to whether we will place the proposed legislation on the one side or the other. That proposition was recognized by Mr. Webster in the argument which he made before the Supreme Court in the great case of Gibbons *v.* Ogden. Senators are all familiar doubtless with that leading

case, and know the fact that it grew out of the attempt of the State of New York to license all steamboats which did business in the waters of New York. It was given as a monopoly to Livingston and Fulton and their assigns. Ogden was their assignee. Gibbons, owning a steamboat in New Jersey, attempted to do business between the town of Elizabeth, in New Jersey, and the city of New York, and an injunction, under the laws of New York, was applied for to restrain the owner of that boat from doing business between those two points in the absence of a license from the assignee under the law of New York.

That injunction was granted in New York and sustained by the highest court there, and came to the Supreme Court of the United States on an appeal from the judgment of the highest court of New York. The State of New York or those representing the law of New York in that particular case, the appellees, attempted to maintain the authority of the State of New York to impose this license upon the proposition that there was a concurrent authority between the States and the United States in the regulation of interstate commerce. When that proposition was controverted by Mr. Webster, the conclusion to be drawn from that position of Mr. Webster was suggested by counsel for the appellees, that if there was not a concurrent power in a State and in the United States Government, necessarily not only as to that important matter of interstate commerce, but as to all the agencies of interstate commerce (which would include every common carrier engaged in interstate commerce), there was an exclusive power in the General Government and none in the State, and the wide-reaching consequences of such conclusion were urged against it. To that Mr. Webster made this reply, and it was for the purpose of reading it that I have made this somewhat extended statement.

Mr. Webster took the position that it was necessarily a question to be determined by Congress as to what were matters of such gravity and so essential concerning the governmental function as would authorize the power to be exercised by Congress, and what were matters not of such an essentially governmental nature as would leave them without that particular class. Mr. Webster used this language:

> Now, what was the inevitable consequence of this mode of reasoning?—

Replying to the suggestion I have just repeated—

> Does it not admit the power of Congress at once, upon all these minor objects of legislation? If all these be regulations of commerce, within the meaning of the Constitution, then, certainly, Congress having a concurrent power to regulate commerce, may establish ferries, turnpikes, bridges, etc., and provide for all this detail of interior legislation. To sustain the interference of the State, in a high concern of maritime commerce, the argument adopts a principle which acknowledges the right of Congress over a vast scope of internal legislation, which no one has heretofore supposed to be within its powers.

And going on:

> But this is not all; for it is admitted that when Congress and the States have power to legislate over the same subject, the power of Congress, when exercised, controls or extinguishes the State power, and therefore the consequence would seem to follow from the argument that all State legislation over such subjects as have been mentioned is at all times liable to the superior power of Congress, a consequence which no one would admit for a moment.
>
> The truth was, he thought—

The report giving Mr. Webster's argument in the third person—

> The truth was, he thought that all these things were, in their general character, rather regulations of police than of commerce, in the constitutional understanding of that term. A road, indeed, might be a matter of great commercial concern. In many cases it is so, and when it is so, he thought there was no doubt of the power of Congress to make it.
>
> But, generally speaking, roads and bridges and ferries, though, of course, they affect commerce and intercourse, do not obtain that importance and elevation as to be deemed *commercial regulations*.

This sentence which follows is the particular point I have in mind in reading this extract:

> A reasonable construction must be given to the Constitution, and such construction is as necessary to the just power of the States as to the authority of Congress.

Mr. President, without elaborating that, the proposition upon which I rest my opposition to this bill, so far as this part of it is concerned, is that this enterprise is not for the purpose of carrying out any great governmental function, unless Senators are prepared to take the position that in every case where the agency proposed to be incorporated can be used in interstate commerce, Congress can be legitimately called upon to incorporate it for the purpose of carrying on commerce.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. PENROSE. The Senator says this is not carrying out a governmental function. I would remind the Senator that many hundred million dollars have been spent in the improvement of the rivers referred to by the Senator from West Virginia—the Ohio and the Mississippi—to secure inland water transportation, and the incorporation of this company, that this vast expenditure may be added to by private enterprise, certainly may be considered to be in the line of that governmental policy and that governmental function. It is certainly a laudable governmental function which permits the private individual to contribute and does not make application to the Treasury of the United States for the canal.

I simply submit to the Senator whether this is not a part of a governmental function which is established in the United States, once opposed as unconstitutional and beyond the constitutional limits of the Government, but now established—the improvement of the internal waterways of the country.

Mr. BACON. In reply to the Senator, while of course to follow his suggestion might involve a much more extended argument than I would now like to impose upon the Senate, I will simply say this: It is a very great mistake, in the definition of what may be considered a governmental function, to make such an application of it as the Senator now proposes. If what he says is correct, then let me say that the harbor of New York has had a good deal of money spent upon it to make it the great harbor it is, and if the application now suggested by the Senator is a correct one, it might equally be applied to every steamboat that goes to the city of New York, plying between the city of New York and any other port in the United States. It might be said that any line of boats that comes into any port of the United States upon which the Government has made improvements has thereby become so identified with the performance of a governmental function that the company owning it should receive a charter at the hands of Congress.

Now, what I was saying at the time I had the interruption from the learned Senator is this: If this is to be recognized as a proper thing to do, if every agency engaged in interstate commerce is in the performance of a governmental function such as is suggested, then the time is to come when every enterprise of any kind engaged in interstate commerce will apply to Congress for a charter.

I should like to be told, Mr. President, what argument can be advanced with respect to a canal which goes from one State into another, which thereby asserts that such canal becomes an agency of interstate commerce, and that the company constructing it should for that reason be the recipient of a charter at the hands of Congress, which will not apply with equal force to a railroad running from one State into another.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. With pleasure.

Mr. PENROSE. I will answer the Senator. It is a part of an enormous system of slack-water navigation which the Government is now developing at the expense of the Government. This is an important connecting link, to be built by private enterprise, and the opinion of almost every one who has studied the question is that the work should be done under the control of the United States, that it should be subject to its inspection and regulation, and ultimately will come within the control and possession of the Government.

Mr. BACON. I do not understand that that is any reply to what I was saying. The Senator says the opinion is it should be so. I am trying to show that such an opinion is not a correct opinion.

Mr. President, if the link between the two waterways of which the Senator speaks was a railroad link, would it not have an equal right to claim that it should be chartered by the Government?

Mr. SPOONER. Will the Senator from Georgia allow me to ask him a question?

Mr. BACON. With pleasure.

Mr. SPOONER. Is the Senator denying the power of Congress to incorporate a railway company to construct a railroad from one State to another, or across the continent, if you please?

Mr. BACON. No; I am not denying that. I am not denying the general proposition that Congress has a right——

Mr. SPOONER. How would the Senator justify that? Under what part or clause of the Constitution would he justify it?

Mr. BACON. The Senator did not give me his entire attention in the remarks which I submitted in the beginning, but I will take pleasure in repeating my statement.

Mr. SPOONER. I always listen to the Senator when I am permitted to.

Mr. BACON. I recognize the fact that it is sometimes very difficult in this Chamber.

I had said, Mr. President, that I recognize that there are a

great many charters which might be granted by Congress which would be upheld by the courts as constitutional, but which would not be charters which we in the performance of our constitutional duty could properly grant. I illustrated it by the statement that wherever there was the performance of a governmental function, it made the action of Congress constitutional in granting the charter, not only as to railroads, but as to any other corporation; that the courts could not look behind the language used to see whether or not the use of such language was in fact the desire on the part of Congress to secure the performance of a governmental function which induced the passage of such a law, or whether the use of such language was merely a makeweight, as it were, a device by which freedom from condemnation by the courts on account of unconstitutionality was to be secured; but that the high duty was upon us when we came to legislate to see to it not only that under the language used in a law it would be held to be constitutional by the courts, but that according to the spirit and intent of the Constitution it is under the facts and the real purpose, such a corporation as is designed by the Constitution to be made by the Congress; whether in deed and in truth the object is to secure the performance of a great governmental function, or whether the object is otherwise, and that the complexion of governmental function given to it is in truth simply to insure its freedom from condemnation by the courts.

I had gone on to speak of the fact that while there was the general recognition of the power of Congress to charter corporations for great governmental interests, corporations, if you please, where that principal interest might have as one of its features interstate commerce, it was the duty of Congress to draw the line between those things which were legitimately of that class and other things which had a primary object of another character, where there was no governmental function the performance of which made the creation of that corporation essential.

The illustration of the Pacific railroads is a common one. I will read in the hearing of the Senator what I intended to read a little later, the statement of the Supreme Court of the United States, in 91 United States, as to the character of the corporation and the conditions and the purposes which justified the Congress in doing that which it is not usual for Congress to do, to wit, charter a railroad company. I am reading from page 88, 91 United States, the decision of the court:

The act—

Speaking there of the Union Pacific Railroad act, in the case of the United States *v.* The Union Pacific Railroad Company—

> The act, as has been stated, was passed in the midst of war, when the means for national defense were deemed inadequate and the public mind was alive to the necessity of uniting by iron bands the destiny of the Pacific and Atlantic States.
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> * * * * * * *
>
> But vast as was the work, limited as were the private resources to build it, the growing wants, as well as the existing and future military necessities of the country, demanded that it be completed. Under the stimulus of these considerations Congress acted, not for the benefit of private persons, nor in their interest, but for an object deemed essential to the security as well as to the prosperity of the nation. (U. S. *v.* Union Pacific R. R. Co., 91 U. S. Reports, p. 88.)

I read further from the argument of Mr. Webster in the case of Gibbons *v.* Ogden. Mr. Webster, of course, was not delivering an opinion, but he was "the great expounder," and his utterances are entitled to great weight. There Mr. Webster recognized the necessity of drawing the distinction between the functions which should be recognized as national functions and those which should not be recognized as national functions, even though they were within the same subject-matter. In that case, when counsel representing the appellee, those representing the validity of the act of the State of New York, tried to make application of the argument to show that if what Mr. Webster contended for was true then the governmental function would extend to and relate to and include every agency of interstate commerce, Mr. Webster drew the distinction. He said that such a thing was not to be thought of; that the law must be construed with reference to the proper consideration of the States and also with reference to the needs and necessities of the Government, and should not include matters where the public interest was not the main design, but where the private interest was, in fact, the motive which led to the proposed action on the part of the Government.

I do not know whether I have in this reply made myself clear to the learned Senator or not.

Now, Mr. President, where are we to stop if such a bill as this can be passed and become a law? Who contends that the construction of this canal is necessary for the transportation of troops of the United States, or for the transportation of the mails of the United States, or for the exercise of any other great governmental function? The contention is that it will be an avenue of commerce, that it will be an agency for interstate commerce, and that therefore the charter should be granted. I care not whether it is an agency between two States or between twenty-five States, if that is to be the rule, upon what ground can Congress hereafter ever deny a charter to any proposed agency which shall be or claim to be a means of conducting commerce between the States? When any railroad company, or proposed railroad company, comes to Congress and asks for a charter between the State of Pennsylvania and the State of Ohio or between any other two States, upon what ground can Congress deny it? Upon what ground can Congress deny any charter for any steamboat company that proposes to run a line from the city of Pittsburg to the city of Cincinnati, or from New York to any port along the coast of the United States?

Can we say that Congress will grant such charter in one instance and that it will not grant such charter in another? Is it to be a question whether or not the particular persons who may desire it are those who have influence in the Government? Shall they be favored and shall others with equal right be denied?

Mr. President, if it is not denied, if in all cases we are to act upon such a supposition, what is to become of the legislation of Congress? What will we be doing but sitting here engaged from session's beginning to session's ending in the granting of charters? Because every company will, of course, rather have a charter granted by the United States Government than to have one granted by a State.

But, Mr. President, there are serious considerations of another kind. One of them is this, and I hope I may have the attention of Senators through whose States it is proposed the canal shall run. I would be glad to have the attention of the Senator from Ohio [Mr. FORAKER] for a moment. I say there are serious considerations for States in which enterprises of this kind are to be located.

It may be said that the Senators and Representatives from these particular States do not object, and therefore why should anyone else object? My reply to that is, if this charter is a proper thing it is one which Congress can grant in a State which objects as well as in a State where there is consent.

Now, what is the effect of a charter granted by the United States Government? It becomes the law, not as it does in the case of a Territory or the District of Columbia, by virtue of the law of force in those particular areas, the power which is conferred being thereafter exercised in States only by comity, but a general charter such as this becomes a law governing and controlling in every foot of territory of the United States, including all the States.

Now, what is the effect of that law? In the first place, it takes away from the State of Pennsylvania and the State of Ohio, the two particular States which are most interested in this matter, every right of control of every kind whatsoever in the States, so far as those rights can be asserted in courts. Thereafter no matter of dispute which arises in either of these States can be settled in the courts of those States. It is settled in the removal cases, giving them by their general name, one in 111 United States, I think, and the other in 115 United States, that all matters which arise under a charter granted by Congress are matters arising under the laws of the United States, and that they are, in consequence, under the Constitution, matters within the jurisdiction of the courts of the United States, and not matters which the States can assume and undertake to adjudicate in their own courts.

Here is this wonderful enterprise, vast in its power, tremendous in the capital, with powers in this charter such as I have never seen granted in any charter, and about which I will hereafter speak more in detail if time permits, affecting the entire population not only along the lines of that canal, because there are several of them, but throughout the country both in Ohio and Pennsylvania reached by any of the Allegheny and three or four other rivers tributary. In that vast territory in these States and also in New York, no citizen can be heard in any court of those States, but they must go to the courts of the United States to have their rights adjudicated.

Not only that, Mr. President, but the power of taxation—and I ask the attention of the senior Senator from Pennsylvania [Mr. PENROSE] to this statement as it is somewhat in conflict with what I understand to be his statement—the power of taxation is largely taken away from the State of Pennsylvania and the State of Ohio in regard to this property. It is true that so far as this bill is concerned it stipulates:

> That the corporation hereby created shall be subject, in the respective States in which it does business, to all the laws of said States regulating the taxation of foreign corporations.

Mr. President, of late one very important subject-matter of taxation in corporations is the taxation of the franchises. It

has gotten to be a great issue in the United States, an issue which has been settled largely in the United States—that not only the tangible property of a corporation shall be taxed, but that its franchises shall be taxed. Yet the Supreme Court of the United States has determined, in the case of California *v.* The Railroad Company—I have forgotten the number of the volume—that the franchise of a corporation chartered by the Government of the United States can not be taxed by a State. This immense property, where the franchise is going to constitute possibly the most valuable part of the property, running through Pennsylvania and Ohio, will, so far as that particular value is concerned, be free from liability to State, county, or municipal taxation.

I am speaking now of the hardship upon the communities through which these canals run. I repeat, this is a matter which more particularly concerns the Senators from those States, but as the establishment of a precedent it concerns us all. If powers such as are granted in this charter can be hereafter granted in any charter which promoters of any enterprise may try to get from Congress, then whose State will be next is not known to anyone. When they come for a charter what is done here in this case is to be cited as a precedent.

Now, Mr. President, another thing. I have never known a charter, either Federal or State, where there is such immense power of eminent domain granted as there is in this proposed charter, because not only does it concern the domain to be occupied by the canal, but it concerns the entire domain covered by all of the streams which may be classed among the headwaters of the Ohio, Allegheny, and several other rivers, and all the rivers tributary thereto.

PANAMA CANAL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. KITTREDGE and Mr. PENROSE addressed the Chair.

The VICE-PRESIDENT. The Chair recognizes the Senator from South Dakota. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. KITTREDGE. Certainly.

Mr. PENROSE. I would appreciate it very much if the Senator from South Dakota would permit the consideration of the Lake Erie and Ohio Ship Canal bill to proceed. I do not understand that it will take much more time. It would be a very great convenience to half a dozen Senators representing States immediately affected by the measure.

Mr. KITTREDGE. I inquire about the length of time that will probably be consumed in the completion of the bill which has been under consideration?

Mr. MORGAN. I shall insist on the Senator from Nebraska [Mr. MILLARD] going on if he is ready to proceed and desires to do so.

Mr. PENROSE. I understand objection is made. I ask unanimous consent, with the permission of the Senator from South Dakota, that at the conclusion of the remarks of the Senator from Nebraska the bill which has been under consideration may be taken up and proceeded with.

Mr. MORGAN. Mr. President, it seems that two canals have got into competition, one proposing to be built between Pennsylvania and Lake Erie and one that we have been hammering on and trying to get straightened out here for several years. The Senator from Nebraska is ready to go on; he is chairman of the committee, and I insist that nothing shall interrupt the course of his argument on this bill.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent that at the conclusion of the remarks of the Senator from Nebraska the bill which has just been under consideration may be further considered.

Mr. MORGAN. I have no objection to that.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. KITTREDGE. That, I assume, is upon the unanimous-consent agreement that it shall in no wise prejudice the pending bill?

Mr. PENROSE. Oh, of course.

Mr. KITTREDGE. The pending bill being the unfinished business.

The VICE-PRESIDENT. It is so understood.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. MILLARD. Mr. President, as a member of the Committee on Interoceanic Canals and one of the signers of the minority report, I desire the time of the Senate while I present briefly my objections to the pending bill.

The idea of a ship canal across the Isthmus of Panama has been in the minds of men for generations. Long before the French people embarked upon the enterprise, expending vast sums of money, explorers had conceived a tentative plan of canal and reported upon its possibilities to one or more of the European powers. The scheme of a waterway across the Isthmus between the Caribbean Sea and the Pacific Ocean that would meet the requirements of the commerce of the world has engaged the attention of thoughtful men practically ever since the geography of that region became generally known. Within the last twenty-five years the dream of these pioneers has sought realization in various types of canal and in different localities within the limits of the strip of territory between the two continents. As a result of the accumulated knowledge on the subject we have before us to-day plans of two types of canal, the one commonly spoken of as the sea-level type and the other a plan of canal with locks. The question now before the Senate is, Which of the two types submitted would be the better to meet the ends of commerce and to subserve the military interests of this nation?

Obviously the question of the selection of a type of canal according to one or the other of the plans submitted is one hinging largely upon the engineering problems involved. Other considerations have received careful attention, yet upon every page of the reports of the consulting engineers, of the report of the Commission, of the deductions of the Secretary of War based thereon, and, finally, upon the printed evidence adduced before the Senate committee, there is disclosed the fact that the chief considerations, in the minds of all men who have given the subject painstaking study, were those involving the manifold engineering problems in the construction of the canal, its cost, and the period of time required for its building. The testimony taken before the committee on the subject of type of canal has been embodied into a volume of nearly 1,000 pages, devoted for the most part to the many engineering questions encountered, while the long list of names of both Frenchmen and Americans who have investigated the subject shows a large majority to have been professional engineers, most of whom favored the lock type of canal.

This being the case, I have based my conclusions mainly upon the preponderance of evidence and opinion given by the expert engineers of both America and France, not unmindful, however, of other important considerations. I reach the deduction that the plan for a lock-level canal adopted by the Isthmian Canal Commission, indorsed by the Secretary of War and approved by the President, as the result of much painstaking investigation, is far preferable to the plan of a sea-level canal submitted to the Senate and as described in the majority report of the Board of Consulting Engineers.

I believe, further, that the enormous cost of a sea-level canal as submitted would not be sustained by the people, since there is every reason to believe that a canal of practical utility and equally good can be built, as the President says, at a cost not more than half that of the proposed sea-level canal, and which can be built in about half the time required for building the low-level canal. Time is a most important element in considering this subject as viewed by the American people.

My conception of the subject is that the American people desire a navigable waterway across the Isthmus at the lowest possible cost, and that they will defeat any plan which contemplates the building of a canal that would cost untold millions. I believe that the 85-foot lock type, as proposed in the plans submitted, would prove after construction to be the ideal canal. In other words, that it would be the type of canal that would better serve the needs of the nation at present and in the future than would any sea-level type that could be constructed within the limits of time and money that can be contemplated. While it is undoubtedly true that if an actual sea-level canal could be constructed of sufficient depth and width, the latter to be not less than, say, 500 feet at the bottom, without any dams or locks, there is no question that it would be the ideal waterway, but this is a type which is purely imaginary, and no thinking man, engineer or otherwise, could seriously sanction the starting in to accomplish any such finality.

The length of time and the immense amount of money which under the most favorable circumstances such a project would cost would most effectually bar its completion during this generation, probably many more.

The ease with which the lock-level canal could be made larger, should necessity ever arise, by simply deepening the approach sea-level channels or by the construction of new locks—

ample and favorable location existing to almost any extent—and the simple raising of the spillway of the Gatun dam would enable the depth of water in the lock canal to be increased to any reasonable limit, say to 60 feet of water, if necessary.

Therefore it would appear, taking into consideration all of the elements which enter into the proposition, that it is a safe assertion that the proposed 85-foot lock type of canal is the ideal canal, which is not true of the sea-level type as submitted to the Senate.

In his testimony before the Senate committee, William Barclay Parsons, eminent in his profession and one of the strongest advocates of the sea-level plan, made this qualifying statement, to which I call special attention. He said:

The plan that the minority has submitted is, in my judgment, a feasible scheme. It can be constructed; it can be constructed probably within the limit of cost and time that the minority has set forth. If it was to be regarded as simply a commercial enterprise by a private corporation, that would have to go into the open market and risk its capital, and pay for that capital 5 or 6 or possibly 4 per cent, when commissions and discounts are taken into consideration, and then expect to make a profit over and above that 5 or 6 per cent, I should say that the plan as prepared by the minority would be a perfectly satisfactory plan. It probably represents the least cost at which a canal can be constructed across the Isthmus of Panama. But that is not the case that was presented to you. This is not a canal to be built by a private corporation; it is a canal to be built by the United States Government. The United States Government, in the first place, instead of having to pay 5 or 6 or more per cent for its money, can borrow it at, say, 2 per cent. The fixed charges, therefore, are reduced to one-third.

It is hardly probable that the American taxpayer would take the view of the case as stated by Mr. Parsons. It goes without saying that the Government has no more right to expend money in excess of actual requirements than has a corporation or individual. In my view of the subject, we are expected by the people to provide for a practicable canal at the lowest possible cost, to be constructed in the shortest possible time. To take any course involving unlimited expenditure would only delay the day of completion of this colossal project and deprive it of the popular favor it now enjoys. If the ultimate aggregate cost of the canal is a matter to be regarded with indifference, as the Senator from South Dakota seems to view it, then, by all means, let us open the Treasury vaults for an annual expenditure of twenty to thirty millions and proceed to build a canal that would realize, when completed, the dreams of those who would merge the waters of the Pacific and the Caribbean Sea by constructing literally the Strait of Panama.

Even in these days of boundless national prosperity the sum of one or perhaps two hundred millions of dollars, in the eyes of the people, is so great that it is staggering. Many Senators here will recall days not so very far back when the appropriation of any such sum would have been impossible in the case of a proposed canal. Who of us is wise enough to say that the nation may never again experience a season of financial depression? Who can say that the time may not come when the people would regard an excess appropriation of that vast sum, when a canal of practical utility can be built without it, as a waste of public money, and criticise any Congress that would be profligate enough to appropriate it? A nation like ours can not afford to pause in the gigantic task by reason of stress of finances, and we should husband our resources and do nothing to impair popular confidence in the ultimate success of the enterprise. The safe course is to build a canal that would be practical for the least possible money. Any other course would be a waste of public treasure which the taxpayers of this nation would be sure to condemn.

In this connection it may be remarked that, if the Panama Canal, when first opened for traffic, should have a tonnage through it of 5,000,000 tons per annum, which is an exceedingly large estimate, and if after that the increase of tonnage through it should be as great as that which has taken place in the last thirty-five years through the Suez Canal, the tonnage passing through the Panama Canal in the year 2000 A. D. would be only about 32,000,000 tons. This is not one-half the capacity of the canal. Witnesses before the committee expressed the opinion that the toll receipts would average a rate in excess of $1 a ton. Mr. Wallace submitted a rate of $1.36 per ton of 2,240 pounds. Should the average rate not fall below $1 a ton, the gross receipts would be about $32,000,000 a year, or a net annual income of nearly $30,000,000, which might be applied toward defraying the cost of building the Strait of Panama, should posterity ever attempt so gigantic an enterprise.

Among the very able men who testified before the Senate committee was Mr. Frederic P. Stearns, chief engineer of the metropolitan water and sewerage board of Boston, recognized not only as one of the great engineers of America, but of the world. His testimony before the committee was remarkably clear and convincing, and I hope every Senator may read it carefully before voting on the bill.

In computing the relative cost of the two proposed plans he took account of the interest charge upon the capital employed in building the great enterprise, and on that point furnished the committee the following estimate, which I will send to the desk and ask that it be read by the Secretary.

The PRESIDING OFFICER (Mr. SCOTT in the chair). In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Relative amount of interest during construction on lock and sea-level canals.

In both cases assume that the interest is at 2 per cent, compounded annually.

Assume in both cases an expenditure of $50,000,000 in 1904.

In the case of the lock canal assume a total expenditure for the ten years from 1905 to 1915, inclusive, of $14,000,000 per year, making a total of $140,000,000 for construction.

For the sea-level canal assume an expenditure of $14,500,000 in 1904 and of $15,500,000 in each of the next fifteen years, making a total of $247,000,000 for construction.

Interest on sea-level canal if completed in 15 years	$66,297,000
Interest on lock canal if completed in nine years	28,502,000
Difference in favor of lock canal	37,795,000
If the time for constructing the sea-level canal should extend to eighteen years, the interest account would amount to	88,532,000
Deduct, as before, interest on lock canal	28,502,000
Difference in favor of lock canal	60,030,000
The cost of the lock canal, including interest and payments to the Panama Canal Company and the Republic of Panama, would be	219,000,000
The cost of the sea-level canal, including interest and the above payments, based upon the cost as estimated by the Board of Consulting Engineers and fifteen years for completion, would be	363,000,000
The cost of the sea-level canal, including interest and the above payments, based upon the cost as estimated by the Isthmian Canal Commission and eighteen years for completion, would be	410,000,000

Mr. MILLARD. Mr. President, when Mr. Stearns was before the committee I asked him this question:

If you were going to own both canals, which one would you think the best, for the same money and the same time in construction?

And he replied as follows:

I have given that matter very careful consideration. It seems to me that a canal is a means of getting ships across the Isthmus; that it is a question of getting them across, in the first place and most important, safely, and, next in importance, to get them across quickly. In both of these respects I believe the lock canal is the best. It has within its depths and widths ample channels which will permit speed and safety, for while groundings occur in wide channels they occur much more frequently in narrow channels.

I believe that the lock canal has the greater capacity for traffic. When one imagines the traffic approaching 60,000,000 tons per year it will be realized that it would not be practicable to get them through if one ship had to be tied up for every other one that passed, there would be so many in the canal at one time. There would be a demand for widening the sea-level canal before any demand would come for the enlargement of the lock canal, except as individual ships might get to be so large as to require another set of locks, which would not be very costly.

Taking all those things into account, I believe that for the same time and money the lock canal is the better canal. I would give more for it.

Gen. Peter C. Hains testified:

I think I would prefer the lock canal even though the relative costs were about the same.

Chief Engineer John F. Stevens, in his report to the Commission, concluded as follows:

Finally, even at the same cost for time and money for each type, I would favor the adoption of the high-level lock canal plan in preference to that of the proposed sea-level canal. I therefore recommend the adoption of the plan for an 85-foot summit level lock canal, as set forth in the minority report of the Consulting Board of Engineers.

Mr. Alfred Noble, another high authority, the chief engineer of the Pennsylvania Railroad Company, testified in committee as follows:

Mr. NOBLE. Certainly; I think that the lock-level canal as planned is a better canal than the sea-level canal as planned—better for the use of commerce, without regard to cost.

Senator TALIAFERRO. If they cost the same?

Mr. NOBLE. If they cost the same. I think that if we had two canals on the route, if it were possible, one built as proposed by the lock-level people and the other built as proposed by the sea-level people, the lock canal when finished would be the better one.

The minority report estimates that eight and one-half years would be required within which to build the lock-level canal, while the majority of the Board estimates that twelve to thirteen years' time would be consumed in the construction of this proposed sea-level canal. The Canal Commission and Chief Engineer Stevens estimate that eighteen or twenty years' time would be required for building this sea-level canal as planned.

Since it must be apparent that an earthquake visitation to a completed canal would be as injurious to the one type as to the other, I will not devote much time to that phase of the subject. Happily the very latest information as to the effects of an earthquake upon the structure of a large dam is that which is

appended to the minority report of the Senate Committee on Interoceanic Canals. Neither type of canal can be constructed without a dam, as is shown by the evidence. The opponents of the lock type point to the results of the recent earthquake in California as evidence that great hazard would be taken in the construction of locks in the Panama Canal. There is some misapprehension on this point. In the testimony reference was made to the arch in the old church at Panama, which has stood firmly in place for two centuries, giving indisputable evidence that earthquakes are not common to the Isthmus and need not be regarded as an element of danger there.

In answer to my query, Mr. Frederic P. Stearns said in a recent letter:

It has never seemed to me that at Panama, where as fragile a structure as a church tower has remained intact for centuries, the effects of an earthquake were to be considered in determining the type of a canal, and the recent experience in San Francisco certainly corroborates this view.

Discussing the effects of the earthquake in California, Mr. Stearns, among other things, says:

The fault line south of the San Andreas dam continued through the middle of the long and narrow Crystal Springs reservoir, in which the water is retained by a concrete dam 115 feet high above the natural surface. The reservoir at the time of the earthquake was full. Professor Derleth, after stating that this dam "was subject to a series of thrusts and pulls in vertical planes along its length, since it is parallel to the fault line," adds: "So far as the writer could see, and he examined the dam carefully, there is not the slightest crack."

I know of no mass of masonry in the country that is more like the masonry of the proposed locks at Panama than the Crystal Springs dam. It is located only one-fourth mile from the fault line and has stood the test of the earthquake without being affected.

Mr. President, I have a statement made by Chief Engineer Stevens before a subcommittee of the House of Representatives a few days since. I shall not trouble the Secretary to read it, but I will ask permission that it may be inserted in the RECORD without reading.

The PRESIDING OFFICER. In the absence of objection, the matter referred to by the Senator from Nebraska will be inserted in the RECORD without reading.

Mr. HOPKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. MILLARD. Yes.

Mr. HOPKINS. I desire to ask the Senator if the extract to which he refers is in reference to the effects of an earthquake on such work?

Mr. MILLARD. Yes; would the Senator like to have it read?

Mr. HOPKINS. I will suggest to the Senator from Nebraska that that is a proposition in which all are interested.

Mr. MILLARD. Then I will ask to have it read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Mr. SULLIVAN. That is the point that is not clear in my own mind, Mr. Stevens, and I would like to have it cleared up. I am not an expert by any means. Rather I am almost a total stranger to the Panama Canal yet, and to the terms regarding it. But I understood the advocates of the sea-level canal based their opinion of its expediency largely upon the fact that an earthquake would do great havoc to a lock canal, but would not to a sea-level canal. Now, if you can enlighten me as to the relative degree to which an earthquake would affect both types, I would be glad.

Mr. STEVENS. I do not know what is running in other minds. I am not a sea-level advocate, as it is pretty well known. But here is a house, for example; it might be in San Francisco, or may be in Washington, standing in a certain location. Who can say, when there comes an earthquake, whether that house, built of a certain size, will be damaged more than a house twice the size would be? We can not say anything about it. Taking the canal as a whole, there are vulnerable points to attack by an enemy by cannonading or by an earthquake; but, in my judgment, there is no difference between the two types as to which would be the most damaged.

We have a big dam at Gatun. I think that the possibility of its destruction might be entirely eliminated. I do not see how an earthquake could disturb that any more than it could disturb a range of mountains. So far as the locks adjacent to it are concerned, they would be located on natural ground, in rock foundations. I do not see how it is possible for an earthquake to disturb it; and yet again it might be disturbed.

On the other hand, adjacent to the canal is the big Gamboa dam, one hundred and eighty-odd feet, holding 170 feet of water, running back 20 miles—hundreds and hundreds of millions of cubic feet of water. You can imagine a sea-level canal down at the bottom of that gorge; imagine this a dam 170 feet high, running back 20 miles. If an earthquake would disturb a dam in the case of a lock level at Gatun, the same argument would show that it would disturb a dam here at Gamboa. You can imagine what would result if that lake, running back 20 miles, would break into the canal.

The CHAIRMAN. That condition would not exist as to a lock canal?

Mr. STEVENS. No, sir.

The CHAIRMAN. There is no dam at that place on that lock canal?

Mr. STEVENS. No, sir. I do not think there is any possibility of any earthquake disturbing the Gatun dam. It is a mountain range, 22,000,000 cubic yards, a mile and a half on the base, 135 feet high, with 80 feet of water against it, and over 300 feet thick at the water level; solid packed earth put in there with pumps, which is the most reliable way of putting in earth that is known. In other words, you are building right across the valley there a spur of the mountain range, and I think if you give it a good shake twenty years from now you would solidify it instead of destroying it. [Laughter.] I think you would make it more solid than it was before.

Mr. LITTAUER. Now compare with that the construction of this dam that would hold back the Chagres River.

Mr. STEVENS. They say either a masonry dam—in the majority report I understand they prefer a masonry dam. That would be a curtain of concrete or built-up masonry, according as they might elect to build it. It would be founded upon rock, 122 feet long and 80 feet high; a curtain put up like this [indicating]. If anything on earth could be disturbed by an earthquake, I think that, standing out there practically alone, would be. I should think an earthquake would jar that up a little. [Laughter].

The CHAIRMAN. What is the history in that section of the Isthmus of Panama with respect to earthquakes?

Mr. STEVENS. I can not get a reliable report, for a couple of hundred years at least, that there have been any earthquakes there that have done any particular damage.

The masonry there that the Mexicans and Panamans are still employing is a class of masonry that you would not think would stand up over night. They do not take any particular pains to shape up their rocks, and they use a poor quality of cement and use limewater. They build these walls up four or five stories high and put their finish on. There are old churches there, built two hundred years, with their walls standing there now, which, if they were in Washington or New York or anywhere else, you would have the fire department there before night pulling them down. They have stood there for two hundred years. I cross over and go on the other side of the street when I walk by them.

Mr. SULLIVAN. You think there would be greater danger, then, of loss or damage by earthquake to a sea-level canal than to a lock canal?

Mr. STEVENS. No; I would not want to go on record as saying that, but I think they are about equally vulnerable. I do not think there is any difference particularly.

Mr. MILLARD. Mr. President, upon the subject of the probable interference with navigation by reason of admission to the canal, under the sea-level project, of the waters of a number of small streams, I will send to the desk and ask to be read an extract from the written statement of Maj. B. M. Harrod to the Interoceanic Canals Committee, wherein reference is also made to the unknown character of the foundations for dams proposed to be built to divert still other streams from the prism of the sea-level canal. Major Harrod is a member of the Commission. I ask that the statement be read by the Secretary.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Of the tributaries to be received into the prism of the canal there are twenty-two of considerable size. Two are known to have a flood discharge of over 3,000 cubic feet per second; eight more have discharges of over 1,000 cubic feet per second. Their flood discharges between Gamboa and Bohio may aggregate 30,000 second-feet. They descend into the canal from heights varying from 13 to 160 feet above sea level. The sea-level plan proposes to overcome this difference of level by masonry-stepped aprons, metallic pipes, or by sloping and lowering the beds of the influent streams, although no designs are presented. Professor Burr, in his testimony, describes basins at the mouths of these streams, to strain out the sediment and débris, allowing only the water to enter the canal, but that is a personal suggestion, and does not appear in the plan. This would certainly add materially to the estimate, and it is doubtful whether it would not be more costly to clean out the several basins, which would rapidly fill up, than to dredge the deposit from the canal itself.

I believe that the discharge of 3,000 cubic feet per second into the canal prism of 8,000 feet cross-section would cause cross currents which would prove an absolute obstruction to navigation as long as they prevailed. No ship could hold a direct course under such conditions. She would be driven against the opposite bank. Even lesser discharges would prove proportionately obstructive to navigation.

I believe that the injection of 3,000 cubic feet per second into a canal prism of only 8,000 or 10,000 square feet of sectional area would cause deposit on one side and would abrade the opposite bank unless it were in rock and that these effects, in combination with a current varying from 1 to 2½ miles an hour, would give to those parts of the projected sea-level canal through earthen banks the characteristics of an alluvial stream, which would ultimately establish meanders or sinuosities that would seriously impair the navigability of the canal for all larger ships unless these banks were artificially protected and the bars constantly dredged.

It is proposed in the sea-level plan to divert the Cano, Gigante, and Gigantito from the canal route by four dams and a spillway. These are all in a region of which little is known by survey. The largest of these dams holds a head of water about 70 feet above sea-level, only a few feet less than the Gatun dam, and is about 3,000 feet long. No intimation is given of the method of construction, whether of earth, masonry, or a combination of the two.

The estimate for completing 21 miles of temporary diversion and of several miles of permanent diversion, aggregating many million yards of excavation, for controlling the descent of twenty or more tributaries, by masonry structures, into the canal, and for the building of four dams and a spillway, for which no plan is proposed, in a region where no investigation of foundations has been made, is three and one half millions plus 20 per cent, which I believe will prove entirely inadequate.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. MILLARD. Certainly.

Mr. TALIAFERRO. I ask the Senator from what has the Secretary just been reading?

Mr. MILLARD. The statement of Major Harrod, which will be found in the report of the testimony of engineers.

Mr. TALIAFERRO. May I ask if the statement was pre-

sented at the hearings before the committee, and if it appears in the hearings?

Mr. MILLARD. It was presented to the committee in a written report, and will be found in the book of testimony of the engineers.

Mr. President, it is not my purpose to discuss the engineering questions in dispute between the advocates of the respective types. That was done to some extent in the report of the minority members of the committee, presented to the Senate a few days ago, and it is to be presumed that Senators have read much of the testimony on these points as printed in the record of hearings of the committee. It may be that these experts can never agree upon some of the issues raised; but to my mind, as the salient points of either side were developed, the conviction became stronger that the lock type as planned presented fewer disadvantages and higher possibilities than the other. The editor of the Engineering News, in a recent edition, expresses a similar view, to wit:

We have followed carefully the testimony of the various experts who have appeared before the Senate committee during the past four months, and we are unable to find that in any important particular the lock-canal plan, recommended by the minority members of the Consulting Board and adopted by the Canal Commission, has been proved to be faulty.

In the report of the majority members of the Senate committee, and also in the remarks of the Senator from South Dakota in the Senate, emphasis is laid upon the elements of so-called "weakness" in the plan of the Gatun dam, according to measurements submitted by the members of the minority board of consulting engineers. I have not regarded it as of the utmost importance to meet the arguments advanced, in view of the fact, which must be known to all Senators, that either type of canal presented for our consideration embraces various dams of greater or less dimensions, but I can not refrain from citing a few extracts from a letter just received from Mr. Frederic P. Stearns, of Boston, who has made a specialty of the scientific construction of dams. I ask to have it read by the Secretary.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

* * * Let us examine next the character of the dams proposed in connection with the sea-level plan. There are four of them—the same number as required in the plan for a lock canal.

The greatest dam is that at Gamboa, for the purpose of holding back the waters of the Chagres River. The Board recommended at that place "either an earth dam with a heavy masonry core carried down to bed rock or an all-masonry structure founded at the same depth and upon the same material" (Report, p. 47), in this way giving their approval to an earth dam with a masonry core wall at this place.

The highest flow line of this reservoir is 130 feet above the river bed and 170 feet above the bed rock, which at this place is at sea level. The lake formed by the dam would have an area of 29½ square miles.

In approving an earth dam of this height with a core wall the Board has gone directly contrary to their unqualified opinion that "no vast and doubtful opinion should be indulged in," and that the work should "include only those features which experience has demonstrated to be positively safe and efficient," because no earth dam of any kind has been constructed to retain water to a greater height than about 115 feet, which is held by the dam already referred to, and no earth dam with a concrete core wall has ever been in use in which the height of the core wall has exceeded 125 feet, while in this dam it would require a height of 170 feet.

The board, in the consideration of the subject of dams (Report, p. 46), states:

"The earth dams, which have already been built for the retention of large bodies of water, some of them exceeding 100 feet in height, show that this type of structure may give satisfactory results when properly designed and constructed, but the character of the foundation material on which such dams are built and the means for preventing dangerous seepage underneath or through such foundations must always be carefully considered."

It then proceeds to recommend three dams, respectively, across the rivers Gigante, Gigantito, and Cano Quebrado, without giving any designs, without any engineer having looked at the sites of these dams to determine whether they were favorable or not, and without any boring at their sites to show the character of the material or the depth to rock. That those dams can be built at those places is merely a matter of conjecture, based upon the rough topographical surveys of a large section of territory made by the French before the canal came into the possession of the United States.

* * * In reviewing the dams proposed in connection with the lock canal and with the sea-level canal it can be confidently asserted that the dams of the lock canal have been designed by engineers of the highest reputation in this branch of engineering after a careful examination of their sites and after extended borings to show the character of the material beneath them, and that they do not go beyond the limits of actual practice except in being made more massive and stronger than any dams heretofore constructed to retain the same depth of water. On the other hand, it can be confidently asserted that three out of the four dams of the sea-level canal have not yet been designed, that their sites have not been examined, and that the character of the material or the depth to rock at the sites is entirely unknown. The fourth dam is far beyond the limits of any actual practice.

Mr. MILLARD. I shall speak of one criticism of the lock canal as planned, touching the inadequate length and depth of locks. The judgment of well-informed men is that the locks should be 1,000 feet long in the clear, providing for a depth of water of not less than 45 feet over the sills, and 100 feet wide. I concur in this opinion, because of the constant increase in the dimensions of seagoing ships which has marked the evolution of shipbuilding the last twenty-five years. Those of us who have crossed the ocean occasionally during the last quarter of a century have noted the remarkable advance in the science of shipbuilding. It was something like twenty-seven years ago that I first crossed the Atlantic and took passage in what was then regarded as the largest ocean liner afloat. My recollection is that the length was a little less than 500 feet, with a carrying capacity of a little over 5,000 tons. When we consider what progress has been made in the construction of ocean vessels since that time, in increased length, depth, width, and carrying capacity, may we not look for still further advances as the years go on?

There are now ships in commission or in course of construction practically 800 feet in length, with proportionate depth and width. The idea will suggest itself to Senators that it would be the part of wisdom to anticipate the future and build the locks accordingly, which may be done at an expense not beyond our resources. Not so with the sea-level canal as proposed. It would not be long until such a canal would have to be enlarged and practically built over in order to accommodate the larger ships. In fact, it is reasonable to say that no prudent ship captain would take a big ship into a shallow canal such as is contemplated by the sea-level plan. Should one or the other of the new Cunard liners now under construction enter a sea-level canal as proposed there would be trouble. Can Senators imagine any ship company taking a ship worth three or four millions of dollars, to say nothing about its cargo, through a waterway with rocky sides and foundations containing only 2 feet of water in excess of the draft of the vessel?

The senior Senator from California [Mr. PERKINS] knows a great deal about ships and shipping. I would like to ask him this question: Assuming that you owned one of these large ships which have been referred to—80-foot beam, 800 feet long, and drawing 35 to 38 feet of water (a diagram of which hangs on the wall)—would you be willing to risk the ship or ships of that character in a channel only 150 feet wide, whose rocky walls are high on either side, containing a depth of but 40 feet of water, leaving but 2 to 5 feet below the keel of the ship?

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. MILLARD. Certainly.

Mr. PERKINS. I will state in reply to the question propounded that the wash or undulation of the water caused by a vessel's movement through it has a tendency to shallow the water under the vessel, and no prudent navigator or commander of a vessel would think of taking his vessel over any bar, except in a case of great emergency, unless there were at least 5 feet of water under the vessel clear, and then it would have to be a still, quiet stream. This wash and undulation of the water by the vessel has the tendency to shallow it several feet.

I remember an instance that occurred some time since in one of our western ports, where an eminent nautical man, in command of one of our battle ships, said it was true there were 5 to 6 feet of good water, according to his soundings, yet he would not think of taking his vessel over that bar or shoal at the time.

Then, again, in answer to the other question as to steering the vessel, in order to have command of a vessel she must have steerage way upon her or she would not answer her helm, unless she was going 5 or 6 knots an hour, without taking up a very great distance. Therefore you must have several degrees of curvature in order to have the vessel answer her helm, to escape from grounding or going into the sides of the canal, whether it is a sea-level canal or a lock canal.

Mr. FORAKER. With the permission of the Senator from Nebraska——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. MILLARD. Certainly.

Mr. FORAKER. This is a matter about which some of us have very little information. The Senator from California has just now given us some facts. I should like to ask him a question, if it is not interrupting too much the Senator who is speaking.

Mr. MILLARD. Not at all.

Mr. FORAKER. Would there be any difficulty in steering a ship with a beam of 88 feet through a canal that is 150 feet in width and has a current of less than 3 miles per hour? I think the Senator from Illinois [Mr. HOPKINS] stated that the current in the canal would probably be 2.64 miles per hour. Would there be any trouble in steering a ship of the width I have indicated, 88 feet—I believe that is the largest ship—through a canal 150 feet in width?

Mr. PERKINS. It would depend in great measure upon the curvature of the canal. If there were abrupt angles, it would be very difficult, indeed, with a long ship. A ship of this great length and beam is far more difficult to steer than a short vessel. I suppose the Senator has run a yacht for a time. Those short vessels will sometimes, to use a nautical term, turn upon their own heels.

Mr. FORAKER. I deny that impeachment. I never ran a yacht. There are many things for which I might apologize, but I never did that.

Mr. PERKINS. My friend is fond of the good things and the pleasures of life, and I know of nothing more exhilarating and invigorating and delightful than to sail a yacht on the wind. Take a short vessel 50 or 60 or 75 feet long. She sometimes, to use a nautical term, will "turn upon her own heel." She will come around within two or three degrees of the compass. But take a long ship——

Mr. FORAKER. I am not asking the question in any controversial sense at all. I want information. Is the curvature of the canal indicated on the map?

Mr. PERKINS. It would be impossible for a ship of that great length and beam to have steerage way unless she was going 8 or 10 miles an hour. That would be necessary in order to have command of the vessel. Such a vessel has a displacement of fifteen or eighteen or twenty thousand tons, and in order to have control of her, in order that she will answer her helm, she must have a steerageway upon which to do so.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. MILLARD. Certainly.

Mr. GALLINGER. The Senator from California made an observation that interested me, and I should like to have him explain a little further. He said it is not safe for a great vessel to navigate a waterway unless there is 5 feet of water to the good. My investigations have led me to believe that in our great harbors of the United States the commercial craft that come from abroad—we have very little of our own, I am sorry to say—run into our ports with very much less than 5 feet of water to the good. I should like the Senator to explain the difference between the conditions in our harbors and in the proposed canal, if I state the matter correctly, as I think I do.

Mr. PERKINS. The Senator states the matter correctly, and as a result ships frequently run upon a sand bank or a shoal in entering the harbor. The Panama Canal will have a rock bottom, and it would ruin the steel plates on the bottom of the vessel should she graze the sharp crags of the rocks.

Mr. GALLINGER. I think the Senator will hardly insist upon that except where accidents occur. Of course if they run over a bar they may get grounded, but as a rule they have no trouble.

Mr. PERKINS. As a rule a ship of a displacement of from sixteen to twenty thousand tons should not cross turbulent water, and it is not safe for it to do so, unless there is at least from 4 to 5 feet under her to the good—clear water.

Mr. GALLINGER. Do you call the canal turbulent?

Mr. PERKINS. No. I think the canal will be still water. At the same time it is too small a margin for the vessel. It would be strained and would suffer injury thereby, and the underwriters would insist, I think, that there should be at least that amount of water under her.

Mr. KEAN. I wish to ask the Senator from California how much water the men-of-war of the United States draw?

Mr. PERKINS. They draw from 25 to 30 feet.

Mr. KEAN. Take the harbor of New York; what is the depth there?

Mr. PERKINS. In the harbor of New York the depth is from 35 to 38 feet at high water.

Mr. KEAN. I think you will find little of that depth.

Mr. PERKINS. A few months since I went on a ship up the harbor. It was thick, and the sailor was in the forechains throwing the lead, and he called out "6 fathoms," "hawmark," "6 fathoms;" nothing less than 5 fathoms, I think. He so reported to the officer on the bridge.

Mr. KEAN. That was very well for that place.

Mr. PERKINS. It was New York Harbor.

Mr. KEAN. But that is not true of the whole channel; and New York Harbor is the greatest harbor in the country.

Mr. PERKINS. No; San Francisco is.

Mr. KEAN. San Francisco may have been great.

Mr. PERKINS. The harbor is all right now.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. MILLARD. Certainly.

Mr. SPOONER. I simply wanted to ask the Senator whether he would prefer to go on with his speech or have some of the rest of us speak.

Mr. MILLARD. I would rather proceed, Senator, at the present time.

Just at this particular time I should like to have read the testimony on the point which we are talking about given by Mr. Stevens before the House Committee on Appropriations, on page 102.

The VICE-PRESIDENT. Without objection the Secretary will read as requested.

The Secretary read as follows:

Mr. STEVENS. I think there is a good deal of mistiness in the average mind on this subject—perhaps not on the part of you gentlemen, but in the newspapers and elsewhere they picture in their minds something entirely different from what a sea-level canal actually would be. There is something very attractive about that word; there was to me before I went down there and saw the conditions that existed there. Then I was a sea-level canal man all right, but I think differently now. A man sees in his mind a picture of that nice blue rippling water through a large strait and sees ships moving through it.

Now, you can put this picture on the plates of your minds: You would have practically, under this present majority report of a sea-level canal, a little, narrow, tortuous strip, the sewer of the country, down at the bottom of everything, with torrential mountain streams pouring down there into it with a fall of from 15 to 130 feet. You have got a current there which, from the best scientific authority we can get, figures out 3 miles an hour. This is a channel 150 feet wide nearly the entire way, only 150 feet wide at the bottom, with sharp curvature, and less than twice the width of the vessel that will have to navigate it, with from 2 to 4 feet of water under their keels, going against a current of nearly 3 miles an hour, which would require them to run at least 7 miles an hour to keep steerageway with their own steam. I do not think there is a shipowner or a ship company on earth that would put a ship through that canal. I know of one that would not. I do not believe a United States battle ship could go through that canal safely. It would be aground all the time.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. MILLARD. Certainly.

Mr. PERKINS. The Senator asked me a question, and while I was endeavoring to answer it, my friend the Senator from Ohio asked me a question. Since then I have looked at the diagram of the vessel, and I wish to ask, with the permission of my friend the Senator from Nebraska, a question of my friend the Senator from Ohio. Those ships are 88 feet beam. Two of them would be 176 feet. The canal is to be 150 feet wide. I wish to ask my friend the Senator from Ohio how these two ships would pass each other in the canal?

Mr. FORAKER. I do not pretend to be an expert on this business. I interrupted the Senator from Nebraska to ask a question of the Senator from California in order to get some information. But I will say to the Senator, in answer, that this occurs to me: I am told that those are the two largest ships ever constructed. They are only now being constructed. I do not know where they are being constructed, but somewhere in Great Britain, I believe. I do not know what trade they are to ply in. I will ask the Senator, in answer, if there are only two such ships in the world, what he thinks is the degree of probability that those two ships will ever meet in the canal?

Mr. PERKINS. There are a great many vessels that are 60 to 75 feet breadth of beam, and they will frequently pass through the canal, if it is to be a financial success, and, as the piece of poetry runs, they will not "pass in the night." They will speak each other in passing. It is physically impossible for two ships 60 to 75 feet beam each, either in the daytime or the nighttime to pass each other in the canal.

Mr. FORAKER. If it does not interrupt the Senator from Nebraska too much, I will say further in answer to the Senator that I understand it is only for a limited part of the way that the canal is as narrow as 150 feet.

Mr. HOPKINS. Nineteen or 20 miles.

Mr. FORAKER. Nineteen or 20 miles out of 49?

Mr. HOPKINS. Out of 49.

Mr. FORAKER. For something like 30 miles the canal is much wider. I suppose there will be telephonic communication, and when the two greatest ships in the world are to go through the canal at the same time there will be the precaution taken of having them pass at a wider place, and not at the narrowest that can be found.

Mr. HOPKINS. I will say to the Senator from Ohio that at other points the canal is 200 feet wide, but for a distance of between 19 and 20 miles it is only a hundred and fifty feet.

Mr. FORAKER. Then it might be, if we were going to have a sea-level canal, that I would conclude to make it wider.

Mr. HOPKINS. That is right. That is what we contend. If you are going to have a sea-level canal, have one wide enough to meet the commercial exigencies of the day.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. MILLARD. Certainly.

Mr. KNOX. I desire to make a suggestion in reply to what the Senator from Ohio said in respect of those being the two largest ships that are now in process of construction and are therefore, of course, exceptional in their character. I wish to call his attention to the fact that the statute which we are now undertaking to execute by the construction of the canal specifically provides that—

Such canal shall be of sufficient depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated.

So even if these ships are exceptional in their character, it is incumbent upon us, in executing this law, to provide for them and such as we may reasonably anticipate in the future in the way of enlargement.

Mr. FORAKER. I hope the Senator from Pennsylvania will understand that I was not making the suggestions I did make in any spirit of controversy or in the way of saying anything in opposition to any plan which has been proposed. I was simply answering questions which had been propounded to me by the Senator from California, who is well informed upon all nautical matters, and of whom I had asked some information. It was only that I wanted to be informed, and not that I wanted to use it in any spirit of opposition to anything that anybody is contending for.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. MILLARD. Certainly.

Mr. KNOX. I merely want to state that I had not the slightest idea that the suggestion from the Senator from Ohio was intended to indicate any preference as to the type of canal, or any criticism. The only excuse I had for reading to him the provision of the statute was to add to his stock of information upon that subject.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. MILLARD. Certainly.

Mr. TALIAFERRO. I wish to ask if the plan of canal, as recommended by the President, should be adopted by Congress, whether the Senator from Pennsylvania contends that the canal would be built under the act from which he has just read? As I understand, the President of the United States has recommended a plan of canal proposed by the minority of the Board of Consulting Engineers, and if that recommendation should be adopted by Congress, I take it that specific canal would be built, and not a different canal, to which the Senator has referred in reading from the act of Congress—the Spooner Act—of a few years ago.

Mr. KNOX. If I may be permitted in the time of the Senator from Nebraska to answer the question——

Mr. MILLARD. Certainly.

Mr. KNOX. I will answer it as categorically as I can without going into any argument. It is my opinion that the law requires that whatever canal is built shall be of sufficient capacity to carry vessels of the largest tonnage now in use, or that may be reasonably anticipated.

Mr. TALIAFERRO. Then, as I understand, Congress would not be expected to authorize the construction of the canal which the President has recommended?

Mr. KNOX. I do not think there is any such inference to be drawn from anything I have said. I will add further that, in my judgment, the canal proposed here by the minority can be built by the President under the authority of the Spooner Act.

Mr. TALIAFERRO. The locks proposed by the minority, as I understand—and it may be appropriate to speak of the fact now—have a usable length of 770 to 780 feet, and yet for the purpose of showing that a sea-level canal would be inadequate if constructed as proposed by the Board of Consulting Engineers, a diagram is presented here with two ships, the length of each of which is 787 feet. I would ask the Senator to explain how those ships could get through such a lock or such a series of locks?

Mr. MILLARD. Mr. President, I simply gave way for a question. I think I had better proceed.

Mr. HOPKINS. Will the Senator allow me right here?

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. MILLARD. Certainly.

Mr. HOPKINS. I desire to say, in answer to the Senator from Florida, that these locks are duplicate locks, and the engineers say that six vessels of that character can be accommodated in those locks at the same time.

Mr. TALIAFERRO. Will the Senator from Nebraska indulge me for just a moment?

Mr. MILLARD. For a moment.

Mr. TALIAFERRO. I do not understand how one vessel of 787 feet, much less six, can be gotten into a lock with a usable length of 770 to 780 feet.

Mr. HOPKINS. If the Senator from Nebraska will allow me to say just a word, the conditions upon the Isthmus are such that they can fix the locks at almost any length, and the proposition is to make them so that they will comply with the law as just read by the Senator from Pennsylvania. I think when the Senator from Florida comes to study this subject a little further, even his objections will be dissipated.

Mr. MORGAN. Now, if the Senator will allow me for a moment, I will ask the Senator from Illinois——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. MILLARD. Certainly.

Mr. MORGAN. Whose proposition is that? You say the proposition is thus and so. Whose proposition is that?

Mr. HOPKINS. The proposition of the engineers.

Mr. MORGAN. No. I have seen no such proposition.

Mr. HOPKINS. It is an engineering proposition.

Mr. MORGAN. I have seen maps drawn up here in connection with the reports of engineers that show locks of certain lengths, three in flight, like the steps up in the reporters' gallery, one above the other. There is not presented to this Congress any plan whatever upon which it will have expressed any opinion when it votes down the sea-level canal. The field is left open for the President or for the engineers who may accord with him to go anywhere they please, provided they build a lock canal. The misfortune of the situation has been all the time that the President has not made any certain recommendations in regard to the canal, and no gentleman representing him has ever dared to present a bill to embody it. Here is some bill here reported by the committee. Why is there not some bill here reported by the committee, either a majority bill or a substitute for this——

Mr. HOPKINS. Will the Senator allow me?

Mr. MILLARD. For a moment.

Mr. HOPKINS. The bill presented here for a sea-level canal does not provide for four dams, it does not provide for the character of the lock on the Pacific side, and it is otherwise so imperfect that a canal could not be constructed under it.

Mr. MORGAN. That is no answer to my question. If the majority has reported a bill upon the accuracy of which the Senate can not rely, that is their fault. But the Senator will find he is greatly mistaken, because the bill does specify the very report that has been made by the majority of the Board of Consulting Engineers.

Mr. MILLARD. I am informed by ship owners and builders that it is reasonable to expect that within the next fifty years the largest vessels may have a length of 1,000 feet, and the experience of the last thirty years would tend to confirm that view. A canal with locks of the increased dimensions suggested would admit the largest ships afloat for years to come and it must be evident that a sea-level canal, as now proposed, would be wholly inadequate for the passage of such ships.

The lock plan has an advantage over the sea-level plan in that the vessels may turn around in either lake and retrace their course. In time of peace and for commercial vessels this is not a matter of much consequence. It would seldom happen that a commercial vessel would have occasion to turn around in the canal, but for the vessels of war of the United States, during the existence of hostilities, the ability to turn around might be a matter of great importance. Suppose, for instance, a fleet of warships, possibly accompanied by transports, were to start through the canal from either direction. While the fleet is on the way news comes that a superior hostile fleet is approaching the opposite end of the canal, and that it is desirable for our fleet not to engage that of the enemy, but to retrace its course. How would the fleet turn around? Every vessel, be the number great or small, would have to be hauled stern foremost out of the canal into the sea in order to turn around; whereas in the lock type of canal each one could run into the lake and do so.

The sea-level canal as projected can not be regarded as a completed project. The alleged facility with which it can be enlarged is made one of the arguments urged in favor of it. But if the canal is to be widened and enlarged soon after its completion, is it fair to consider it a completed structure?

In speaking of the heavy rainfall on the Isthmus of Panama and the amount of water which would find its way into a sea-

level canal, in answer to a question (page 93 of the volume of engineers' testimony), Chief Engineer Stevens said:

Yes, sir; with numberless large and small mountain torrents—some of them, in flood times, veritable rivers—which must be taken care of, many of them coming directly into the canal, carrying in, as they must inevitably, silt, perhaps trees, mountain débris of all sorts, rocks, bowlders, etc.; so that I hardly think a comparison between the canal at Suez and one of the same dimensions at Panama is a fair one. This is the point that I wanted to make.

I also send to the desk, and ask that it be read by the Clerk, a statement giving the names of the more important streams which enter the site of the canal, the distance of the point of junction from the Caribbean end of the canal, the height above sea level of their junction with the Chagres, Obispo, or Rio Grande rivers, and the volume of discharge at high stage as far as observed or estimated.

Name.	Distance.	Greatest observed discharge.	Elevation at mouth above sea level.
	Miles.	*Sec. feet.*	*Feet.*
Aojeta	15.25	1,000	15
Agua Salude, right bank	16.30	2,306	25
Frijolito, right bank	17.36	1,000	20
Frijoles Grande, right bank	17.98	3,740	26
Agua Bendita, left bank	21.26	300	35
Caimito Mulato, left bank	22.32	300	35
Baila Monos, left bank	22.81	1,775	45
Culo Seco, left bank	23.87	300	40
Pisco, right bank	24.18	1,200	34
Juan Grande, right bank	25.11	1,200	33
Carabali, left bank	25.42	760	40
Quatre Calles, right bank	26.66	500	45
Obispo	27.90	3,700	160
Mandingo, left bank	28.80	1,500	45
Camacho, left bank	29.10	1,349	165
Sardinilla	30.30	800	165
Rio Grande, right bank	34.72	660	130
Mallejon, right bank	36.89	----------	33
Pedro Miguel, left bank	37.07	----------	15
Caimitillo, left bank	37.82	----------	13
Rio Cocoli	38.90	----------	----------
Rio Cardenas	39.40	----------	----------

There is a dispute over the estimated values of the lands which would be submerged by the lakes incident to the plan of the proposed lock canal; or, in other words, the overflow of Lake Gatun and Lake Sosa. The subject is treated of in the last chapter of the report of the minority of the Senate committee. The estimates made by the advocates of the sea-level plan touching the value of submerged lands are excessive; and the estimated cost thereof is cited by them as an item of expense that must be added to the total estimated cost of the proposed lock-level canal. I believe there is no ground for placing so high an estimate upon the lands that would be submerged. These figures seem to me to be altogether too high. It is to be regretted that a larger number of Senators have not been able to view the land referred to. I believe the Senator from South Dakota, who presented the majority report of the committee, and myself are the only Senators who have made a recent examination of the locality. My impression is that if any Senator on this floor contemplated purchasing the lands that may be submerged he would hesitate a great deal to pay $7.70 per acre, the price fixed by the Commission, and which I regard as more than fair.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. MILLARD. Certainly.

Mr. KITTREDGE. I ask the Senator what was the value of the crop exported last year from the land proposed to be submerged?

Mr. MILLARD. I do not know.

Mr. KITTREDGE. It exceeded $1,000,000.

Mr. MILLARD. Nor do I believe that the Senator from South Dakota would be willing to exchange twenty sections of the good farming lands in the county in which he resides for all the lands in the Canal Zone between Mindi and Pedro Miguel. It would be just as rational to compare the fertile lands of the greater part of Nebraska, worth $50 to $100 an acre, with the sand hills of the northwestern part of the State, which are of little value in comparison.

The lands on the Ancon Hill purchased by the Commission are, of course, worth much more money than the submerged lands.

A glance at the map of the city of Panama will very easily demonstrate the reason why this tract of land is far more valuable than any other land in the Zone proper, particularly any other land adjacent to Panama.

The city of Panama is situated on a peninsula, or "thumb," running into Panama Bay. It is surrounded on three sides by water, and the only direction in which the city of Panama can grow in the future is over and across the piece of land which was acquired by the Commission for governmental purposes. This land is at the base of the "thumb," so called, and immediately adjoining it on the northwest is the high mountain known as Ancon Hill.

The low-lying swamps are covered by the sea at high tide. To compare in value the trackless jungle, swamps, and lands of such character along the interior of the Zone with that of the tract of land which was acquired by the Commission at Panama would be about as fair as it would be to compare the relative value of the swamps lying along the seacoast in New Jersey, 25 to 50 miles distant from the water front in New York, with values of the high lands along the Hudson River at Weehawken, or opposite the city of New York; or to compare the best residence property which adjoins the thickly built up portion of Washington City with the swamps and marshes which may exist 20 to 50 miles from the site of Washington City down the Potomac River, and any attempt to compare favorably the localities cited would be based either upon ignorance or due to absence of a wish to be fair.

The minority members of the committee have refrained from importuning Senators in behalf of the lock plan as submitted, for it was assumed that every Senator had read the reports of the Commission, the engineers, the Secretary of War, and the views of the minority of the Senate committee. If I am correct in the assumption that Senators have given careful consideration to these reports, and to all the facts bearing upon the question, there can be little doubt of the defeat of the pending bill.

There is nothing in the reports of the engineers, nor in the testimony, raising a doubt of the practicability of the lock type as planned. On the other hand, there is much affirmative evidence that its utility is unquestioned.

The cost of a lock canal, counting interest at 2 per cent, would be less than that of a sea-level canal by $150,000,000 to $200,000,000.

The time required for construction would be much less, thus securing to the nation the benefits of an isthmian canal at the earliest practicable day.

The lock canal as planned would afford more rapid passage to big ships than would the other type, and it would afford also a greater degree of safety to ships, while the wider and deeper channels would minimize the liability of interruption to traffic.

It would afford a canal of greater capacity and therefore be of greater utility to the commercial world, as the sea-level plan contemplates a narrow canal of limited capacity.

Counting interest at the rate of 2 per cent upon the investment for either type, to operate and maintain a lock-level canal would cost less by some $2,000,000 annually as compared with the sea-level plan submitted.

It could be defended against an invasion as readily as could any other type of canal.

In summing up the matter the President said:

Each type has certain disadvantages and certain advantages; but, in my judgment, the disadvantages are fewer and the advantages very much greater in the case of a lock canal. The lock canal at a level of 80 feet or thereabouts would not cost more than half as much to build, and could be built in about half the time, while there would be much less risk connected with building it, and for large ships the transit would be quicker; while, taking into account the interest on the amount saved in building, the actual cost of maintenance would be less.

In concluding these brief observations I wish to say that after listening to the testimony with close attention during the session, after analyzing the written reports and considering them in the light of the evidence adduced, and after a personal survey of the line of the canal, I can not escape the conclusion that a lock-level canal, practically as planned, is far preferable to the sea-level type as proposed, even if the cost and time for construction of both types were the same. I do not think the country would be warranted in spending such enormous sums of money for a sea-level canal when many of the best engineers of the world have given it as the result of their deliberate judgment that a lock canal on the Isthmus of Panama would be of greater practical utility and can be constructed in much less time and for many millions less money. I am hopeful that Senators who have gone fully into the merits of the two plans will sustain the views of the minority of the Committee on Interoceanic Canals.

Mr. KITTREDGE. Mr. President, I make the usual inquiry whether any Senator desires to address the Senate upon the pending bill. In the absence of any request, or any intimation of that character, I present the following order.

The VICE-PRESIDENT. The Senator from South Dakota proposes an agreement, which will be read by the Secretary.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, June 15, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal, connecting the waters of the Atlantic and Pacific oceans, and the method of construction, and continue the consideration thereof until 4 o'clock p. m., when debate shall cease, and a vote be taken upon all amendments then pending or to be offered, and that a vote be taken on the bill before adjournment on that day.

Mr. HOPKINS. Mr. President, I would want to consult a little longer before I could agree to that order. It is a matter the Senator from South Dakota has had under consideration with different members of the committee. I am not prepared to agree to it at the present time, but, as I said to him, there will be no delay in getting a vote. However, I am not prepared to say that we can take it on Friday.

The VICE-PRESIDENT. Objection is made.

Mr. KITTREDGE. I hope the Senator from Illinois will not insist upon his objection. It has been understood, by myself at least, that the Senator from New Jersey [Mr. DRYDEN] will address the Senate upon the pending bill on Thursday, and that on Friday the Senator from Pennsylvania [Mr. KNOX] will address the Senate.

Mr. HOPKINS. I will take the matter up with the Senator to-morrow. I wish to consult a little further before agreeing to a time.

Mr. KITTREDGE. I hope the Senator will not object to the granting of this order. The reason why I suggest that the date should now be fixed for Friday, is that Senators who are absent and desire to return to vote upon the pending bill may have an opportunity to do so, and if they are unable to return for any reason that they may have an opportunity to arrange pairs.

Mr. HOPKINS. I will say to the Senator that I am not prepared to-day to agree to it. I will see the Senator in the morning. If I find others are agreeable to the limit of debate as expressed there, I shall not interpose any objection, but I am not prepared to say now that I could agree to it, or that we could take the vote on Friday.

Mr. KITTREDGE. Of course in the face of an objection I am powerless, but I do hope that the Senator will not insist on his objection.

Mr. HOPKINS. I will say to the Senator I am not going to try to delay the vote, but I am not prepared to-day to agree to the specific time named.

Mr. KITTREDGE. In view of the fact that no Senator is desirous of speaking upon the unfinished business, I ask unanimous consent that it be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

STATEHOOD BILL.

Mr. BEVERIDGE. Mr. President——

Mr. PENROSE. Under the unanimous-consent agreement the Lake Erie and Ohio River Ship Canal bill is to be laid before the Senate.

The VICE-PRESIDENT. Under the unanimous-consent agreement the Chair lays before the Senate the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

Mr. BEVERIDGE. I desire, with the consent of the Senator from Pennsylvania, to call up for consideration the report of the conferees upon the statehood bill.

Mr. PENROSE. I yield to the Senator from Indiana for the purpose of considering the conference report.

The VICE-PRESIDENT. The Senator from Indiana asks for the consideration of the conference report on the "statehood bill," so called—House bill 12707. Is there objection? The Chair hears none. The question is on agreeing to the conference report.

Mr. BAILEY. The motion to agree to the conference report is debatable?

The VICE-PRESIDENT. It is. The conference report is before the Senate, and the question is on agreeing to the report.

Mr. BAILEY. I desire to ask the chairman of the Committee on Territories if the conference report has made any change in respect to the location of the capital of the new State of Oklahoma?

Mr. BEVERIDGE. It has in the following particulars: It has located the capital temporarily at Guthrie, until 1913, provided that no money shall be appropriated or expended in the meantime for the erection there of any permanent capital buildings.

Mr. BAILEY. Mr. President, I shall not resist an agreement to this conference report, because I believe that the people of Oklahoma and the Indian Territory have already been denied admission to the Union altogether too long. For four years there has been no difference of opinion in the Senate as to their right of self-government as a State, and their just claims in that regard have been postponed to await some settlement of the vexed question with reference to New Mexico and Arizona.

I have never been able to see any political, geographical, or natural connection between the right of the people of Oklahoma and the Indian country to statehood and the same right of the people of New Mexico and Arizona; and I deeply regret that the conferees representing the House could not see their way clear to give to the people of Oklahoma and the Indian Territory their admission promptly and leave this question to be settled between Arizona and New Mexico hereafter.

I do, however, congratulate the Senate, and I congratulate the people of New Mexico and Arizona, that by our persistence we have at least secured to those people the right to determine for themselves whether they shall be admitted jointly and as one State or as separate States into the Union. If it be true that the Territory of Arizona is as much opposed to her forcible annexation to New Mexico as has been represented here, I have no doubt that her people will so express themselves at the ballot box, and thus end once and forever this attempt to unite her against her will to the neighboring Territory.

I shall look forward, too, to the time when even New Mexico, in her own right and as a separate political entity, together with Arizona in her own right and as a separate political entity, shall be admitted as States into the Union, and I sincerely hope that will terminate the struggle of Territories to become States.

If I could have my way, no State would ever be admitted into this Union after those two Territories become Commonwealths. I would settle for all time the problem of the mixed and alien races who now live under our flag and inhabit territory which belongs to us, but which is not treated as a part of us. I would say to them frankly that they can never be admitted into the sisterhood of States; and then I would supplement that denial of all hope on their part of ever becoming States of the Union by allowing them to erect their own governments and pursue the destiny of their own people in their own way.

I would make this Republic a homogeneous one. I would make this Republic a government in which every part by physical contact touched some other part. If I made a single exception to this rule, that single exception should be the Territory of Alaska.

Mr. President, whatever the future may hold for these dependencies and whatever uncertainty may attend their course, the American Congress makes no mistake when it admits to full fellowship in the Union the new State of Oklahoma. Her people are of our kind. They have gathered there from every quarter of our common country, and they have brought with them the highest sentiments of patriotism and integrity from the communities in which they were born.

As no State in the history of the Republic was ever made to wait so long for membership in the Union, so it will happen that no State has ever so rapidly risen to a position of importance and influence in the councils of the nation.

It will be a novel spectacle to see a new State recently admitted equal here, as the great and the small have always been and must always be equal in this Chamber; but in the other branch of Congress this new State will have a representation equal in intelligence and superior in number to some of the ancient Commonwealths.

With her population, with her wealth, with her resources, Mr. President, it does look like she might have been permitted to select her own capital in her own way, and order her domestic affairs according to her own will.

Not only, sir, is she the greatest ever admitted, but you compel her to come into the Union with badges of dishonor and incompetency never before put upon a Commonwealth. You have written it in the enabling act that her people are not to be permitted to deal in their own way with the most vital of all police questions, the regulation of the sale of liquor. If there be one question above all others essentially pertaining to local government, it is the right to determine whether or not intoxicating liquors shall be sold and, if permitted at all, the circumstances and conditions under which the sale may be conducted.

But you have denied that sovereign right to this sovereign State, and you command her to write into her organic law, not the provision which accords with the will and judgment of her people, but the provision which accords with the will and judgment of people in other States. And that yoke of bondage has been put upon her by many Senators who come from States where no such law exists with reference to their people.

I said on another occasion that I am one of the few Senators in this body who, when the question was submitted to his people at home, have supported a constitutional amendment to prohibit

the sale of intoxicating liquors, and I am by that action precisely as a friend of mine was about leaving North Carolina—if it was to do over I would do the same thing. But, sir, while I am ready to decide that question for the people of Texas, when it is submitted to them, I protest that the people of other States have no right to say how we shall decide it or when we shall decide it, or whether we shall decide it at all. It is for us to say; and you ought to have left it for the new State of Oklahoma to settle in her own way.

Do you believe she would say what you have said she must? No; for if you believed it, you would not have required it in this enabling act. The very fact that you demand of her to incorporate in her constitution this provision is a testimony that, without your command, she would not adopt such an ordinance.

The pretense—I will not say "pretense," because it is offensive to talk about Senators pretending; Senators do not pretend, and there is enough of false accusation against the Senate and Senators from those who know no better, without my joining in the unjust clamor. Withdrawing that offensive word, I substitute it is argued that the justification for this course lies in the fact that the Government owes some obligation to the Indians. So it does; and it owes them a much higher obligation than it ever has discharged. But I remind Senators that the Indians in that country now are American citizens; and if you want to live up to the spirit as well as the letter of the Constitution, you must make no distinction between American citizens on account of their race or their color or their previous condition. The Indians are American citizens, and yet you treat them as children; either it was a wrong to make them citizens when you did it, or else it is wrong to treat them as children now. One or the other must be true. But even if the Indian, panoplied with all the rights of an American citizen, is still to be treated as a child, I appeal against the proposition to deny a million and a half of intelligent American citizens the right to exercise their own judgment in a matter peculiarly local, simply because there happen to live among them something like 50,000 Indians.

But, Mr. President, I waste my breath and I waste the Senate's time. I know, of course, that nothing I could say would induce the Senate to take that obnoxious provision out of the bill. I know that nothing I could say would induce the Senate to amend the capital provision. Therefore I forbear to say more than that, with all the objections I have to this Federal interference with local affairs, I rejoice in an opportunity to vote for a report that at last makes a tardy recognition of the rights of that million and a half of American citizens.

Mr. MONEY. Mr. President, if I have never offered any remarks or suggestions on this question of these united Territories coming in under single statehood it has not been because I have never thought of the subject, for it is an old one. The Territory of New Mexico has been ready to be admitted into this Union for now nearly fifty years. For my part, I am unable to see why the two Territories of Arizona and New Mexico should be permitted to vote as to whether they shall be dragged into the Union with one another reluctantly or not, and why the two greater Territories, Oklahoma and Indian Territory, with four times their population, should be united without leaving it to them. I have yet to see a single soul or to get a single letter or telegram out of the many hundreds I have received that has ever expressed a desire on the part of anyone in the Indian Territory to be united with Oklahoma, except when separate statehood failed. They have asked for me to vote for the Territories to be united in one State only because they have been so persistently told that they could not get entrance to the Union separately.

The Senator from Texas [Mr. BAILEY] has told you that here are a million and a half of people. He might have added 300,000 more, as I am informed there is that number in the Territory, covering more area than New England; and the proposed State will have as many votes as the State of Mississippi in the House of Representatives when it is admitted; and yet those Territories are compelled to come in here as one State, whether they will it or not. You are not voting to please the people of the Indian Territory when you bring them in with Oklahoma. I do not admit the right of Congress to do this. I do not deny the power of Congress to do it; but I deny the right. Here are two great Territories, with a great population, greater than that of at least fifteen States of this Union, and yet they are to be compelled to come into the Union as one State; and, I am sorry to say, by Democratic votes, as well as by the united vote of the Republican side of the Chamber.

Mr. BAILEY. Will the Senator from Mississippi permit me?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Texas?

Mr. MONEY. Certainly; of course.

Mr. BAILEY. The Senator from Mississippi forgets that these Democratic votes were first cast for two States. Two years ago the Senator from North Dakota [Mr. MCCUMBER] offered an amendment to the bill then pending providing for two States to be formed out of the Territories of Oklahoma and Indian Territory and I, I believe in common with almost all of the Democrats, voted for that; and only when that failed did the Democrats all agree that those Territories had better come in as one State than not to come in at all.

Mr. MONEY. Mr. President, I had not forgotten what the Senator from Texas has called to mind; I had not forgotten any part of this struggle of great communities to take their rightful place in the galaxy of States. If we voted against joint statehood then, we should vote against it now for identically the same reasons. The plea or the reason or the argument that compelled us to do it then, and which will compel some Senators now to vote for this report, has no force now, and is an invalid one. These Territories have waited, and they can wait. They will take such action independently if they are not compelled to come in now as one State. This measure is beyond the reach of Congress, in one sense of the word at least.

I recall the fact that when the people of California organized as a Territory and held a Territorial convention they sent their constitution here, and they were rejected by Congress as a Territory. California responded to that challenge by holding a State convention; and she was admitted as a State, without ever having been recognized by Congress as a Territory.

There is another thing about this. In the interest of fair play, in the interest of that equilibrium of power which the New England States especially struggled for in the Constitutional Convention, in the interest of that equipoise which Connecticut contended for, and which she secured, of two Senators from each State, and with no power to deprive a State of its equal representation in the Senate, except with its consent. That was the very last act of the Constitutional Convention. It was to preserve the power of the States as such. When the Louisiana purchase was made, Josiah Quincy announced upon the floor of the House, after it was consummated by an act of Congress, that it would be a sufficient cause for the secession of the New England States; that by that act, by the accession of new States, they would be denied their equal power in the Confederacy. Now, I want to say to Senators plainly and unequivocally, without any intention of causing offense, that if these two Territories had been in the North not a man on that side of the Chamber would have voted to unite them as one State.

When Dakota applied for admission, having about 200,000 people, she was divided into two States so as to get four Senators at Washington. There are now a dozen Western States that have not the population to-day of the Indian Territory; and there is not a single Senator on the other side who will admit now that he would vote to unite two Territories lying north of Mason and Dixon's line with a united population of 1,800,000 souls—not one of you gentlemen would do so.

I want to say that this whole movement in relation to the admission of these two Territories is to prevent the accession of Senators upon this floor. There is a feeling that there is now a sufficient number of Senators, and probably too many. A small section of the United States, by the dominating influence of its character and its intelligence on this floor and elsewhere, has succeeded in binding the States of the West and East to its chariot wheels of power, and they have marched together under the protective tariff and other devices of legislative skill to a great summit of prosperity. Mere vassals have been brought in, and not coequal States. Because these Territories happen to lie to the South, this measure is forced upon the country and forced upon these two Territories by the Republican majority, assisted by the Democrats on this side of the Chamber. I do not know that there is a single man here who will vote against this report except myself. I never will sanction an outrage of this sort. However inevitable it may be, it shall not have my indorsement. I say that it is a subject of just indignation among the people of these two Territories that they have been compelled to say that they want joint statehood because they have been continually threatened with exclusion from the Union in their relation as States.

Now, Senators, this measure will pass, as I know. I am not saying anything to prevent it; but I simply want to speak my opinion freely about it. I say that every man in this Chamber who votes for it, whether he be a Democrat or a Republican, is guilty of exactly the same offense against the people of those two Territories.

Why Arizona and New Mexico should be compelled to vote

upon the question of whether or not they are to be united is not a measure that ought to be held to their lips. Each one of them is entitled upon its own merits, from every point of view—from the standpoint of territorial area, of population, of wealth, and especially in the prospective strength of population—to admission as a free and independent State.

The conference committee and the Republican part of the Senate have placed conditions in the constitution of the proposed State of Oklahoma which every single Senator here knows the very moment that Oklahoma becomes a State of this Union will pass for nothing. This Congress can not impose conditions upon a Territory asking for admission that are worth one cent when she has been admitted. When she has entered the Union, she is at that moment the peer of every other State in the Union, and no condition can be imposed upon her that does not rest equally upon every one in the whole sisterhood of States. To make it difficult for those people to take a view of social and domestic matters different from your own, you have embedded certain conditions in the constitution of the proposed State of Oklahoma, because you know it will be more difficult to take them out of the constitution than to put them in. It is an exhibition of that officious, intermeddling character that intrudes itself into everybody else's affairs, of that cant and hypocrisy that undertakes to examine the sins of other people and provide against them, while perfectly unconscious of any guilt in itself. This miserable and detestable feature is the worst thing in this measure, as the people of Oklahoma and Indian Territory are compelled to-day by a people who literally care nothing for them, as a matter of fact, and by a prurient desire to constantly interfere officiously with people and to regulate their affairs, whether they be social, domestic, or political.

The people of these Territories can guide themselves. They are sufficient to-day for their own control. I, for my part, having visited every part of this Union, would not give a hundred thousand men in the West for five hundred thousand men in the East. In all of the elements of manhood, in enterprise, in courage, in adventure, in self-respect, they are the equals of one to five, and they can take better care of their morals than can the effete East.

I tell you to-day the criminal statistics of that western country will compare most favorably with those of the great centers of population in the East. You take the history of the East everywhere and see the absolute lack of self-control in that section that has engendered here in the Senate a desire to hedge about a capable and self-respecting people with that control which those who seek to exercise it feel to be absolutely necessary at their own homes. Gentlemen forget that communities in some places may require blue laws and sumptuary laws and restrictions, but that there are other communities that still maintain their individuality and their manhood and that require nothing of the sort. They are quite sufficient for themselves; and I resent this thing for them, as I would resent it for the State of Mississippi.

These Territories have the right, and every organized society has the right to regulate their police power, to look after the health and morals of the community. There is no power anywhere to deny that, and if it is denied it is an unconstitutional denial; it is the denial of a right that is not only constitutional, but it is natural, it is inherent, and it is inalienable.

Senators may vote as they please here, but it will not affect the case at all. In my opinion, the people of the proposed State can assert their rights whenever they choose. I do not speak here to-day as an advocate or the opponent of temperance or prohibition. I have done my part in this life by always having been a temperate man. I voted for a "dry" ticket in my State, but I would not vote, as the Senator from Texas [Mr. BAILEY] says he would, for an amendment to the constitution of the whole State for prohibition or for anything else, because that would be a denial to the counties, which are the integers of the State, of their right of regulating the police power and to say what is best for them. I say that every single community in the world, every organized society, nay, every unorganized society, every settlement and neighborhood of farmers have a right to control their police matters, so far as health goes and so far as organized society goes, as to morals.

Mr. President, I did not intend to say anything on this matter at all, as I have been silent throughout the discussion; but I did not want this measure to pass, as I have to stand alone in my position, without giving the country the reasons which actuate me. I have no desire to debar the citizens of the Territories from their relation as States in this great galaxy. On the contrary, I have always—and I have been here a long time, in one or the other of the Houses—advocated and voted for the admission of every Territory that knocked at the door of the Union for admission. I have always said that the guardianship of a great community by the other great communities was not a normal feature of our institutions. They are all based upon local self-government, upon the sovereignty of the State, upon the knowledge and the capacity and the right of each community to govern itself exactly as it pleases. Take that away, and the whole proud fabric and superstructure of our liberties tumbles to the ground. So in every case I have always voted for the admission of a Territory, and I cared not what its population might be. I knew that in the near future its population would be enough to meet the requirements of the Constitution as to the representation allotted to the Members of the House according to the last census.

So I have continued to desire, and I desire now, that they should be admitted, but I will not consent to the doctrine that this Congress has a right, or that there is a reason that is valid and sound and a fair one, to unite such Territories as Oklahoma and the Indian Territory, embracing a population of about eighteen hundred thousand souls, into one State without asking their consent. The consent that has been given has been an enforced consent. It was not the wish of the people of the Indian Territory. Perhaps it was the wish of Oklahoma, with a desire to reach out and aggrandize itself as much as possible—a natural desire I will admit, but at the same time an encroachment upon the rights of their neighbors in the Indian Territory.

The people in the Indian Territory, I venture to say, are the equals of any people in the United States. I believe more people have gone there from Mississippi than from any other State in the Union, and that alone is a sufficient guaranty of the character of the people of that Territory. People have gone there from Texas, from Arkansas, from Tennessee, from Kentucky, and a great many have gone there from the North. They are hardy pioneers, willing to blaze the way and establish civilization. Towns have grown up like magic there, and everything has demonstrated the absolute capacity of those great people to govern themselves.

The foreigners are hardly to be noticed in that country. There are Indians there, but there is hardly an uncongenial foreign ingredient compared to the black population of Mississippi of 300,000 majority over the whites. If we could deal with this body of incompetents, with their incapacity to govern, how easy it would be to take care of 100,000 Indians of pure blood still in that Territory, who have those high characteristics of manhood and of self-respect that would entitle them after a while to assert all the dignity of citizenship, into which they have been received by acts of Congress and which they themselves have accepted by dissolving their tribal relations.

Mr. President, this Congress has no right, although it has the power, to pass this act. These people should be permitted to say, not with the threat hanging over them that they shall not come in at all unless they come in as one State, but to say freely whether or not they desire to unite. If that opportunity were allowed to the people of the Indian Territory, you would find an expression in the negative that would astonish those who have been accustomed simply to hear it iterated with damnable iteration on this floor that these people want to come into the Union as one united State.

The people of the Indian Territory desire nothing of the sort, though I believe the people of Oklahoma would like to come in with the Indian Territory under the name of the State of Oklahoma. I think Oklahoma has been reaching out for spoil, naturally, as I say, thereby exhibiting a characteristic that belongs to all nations of the world. They all desire to extend their borders; but there is no such land-hunting, land-robbing, land-grabbing, and land-stealing people on the face of the earth as the Anglo-Saxon. They have taken every rock big enough to plant a cabbage on; they have taken territory on every continent, and every island of the sea, and they have held it with the grip of death. They want land; and as it is with the great English-speaking people so it is with Oklahoma. They have reached out to grasp the Indian Territory and have drawn it to their bosom. That greed for power has found its echo here in this Chamber, and these men are to be confirmed in their right to take in the Indian Territory.

I say again, Senators, that in all my communication with the Indian Territory—and it has been very great—I have not found a solitary man who in the first instance desired a union with Oklahoma. Those people desired separate statehood. But they were informed over and over again by the Republicans, especially by the officers of the Territorial government, appointed by the Republican Administration, and afterwards had it echoed to them by Democratic Senators, that they could not secure admission in any other way. So they said, "Well, we will do anything to get in." Why? To relieve themselves of the appointees of the Administration who have gone there. They said,

"Anything to relieve us from the body of this death; anything to put in our hands the right to control ourselves." I for one would prefer that they should wait longer and get their due, their certain just right to come into this Union exactly on a par with the other Territories that have been admitted as States.

If Dakota had been in the South it would have been admitted as one State, with two Senators. Washington and Utah would have been called upon to enter the Union as one State, with two Senators; and if Oklahoma and the Indian Territory had been North, it would have been admitted as four States, and with eight Senators out of that great population and that fine Territory. Yet it is fair play. It is a game of politics, and the weaker must lose. We lose, Senators. We submit to this decree. Our heads are bloody, but they are not bowed. We still feel the injustice of this movement; we still feel that it is a discrimination against our section, and that this act, which is to-day to be approved, is an act that is extremely sectional, extremely political, and is a blow at the equality of the southern part of this Union to equal representation in this Chamber.

Mr. FORAKER. Mr. President, this is the first time for a long while—I believe it is the first time since I have been a member of this body—that I have heard a speech pitched on a sectional key. I do not want to say very much in answer to it, but I do want to say to the Senator from Mississippi [Mr. MONEY] that there is, in my opinion, no occasion for the turbulent condition into which his mind seems to have passed. I say this with the more freedom because I have been in accord with the Senator from Mississippi all the while as to separate, rather than joint, statehood for the two Territories of Oklahoma and Indian Territory. I spoke in favor of that proposition in one of the preceding Congresses, when we had a bill of that kind under consideration, and I tried very hard at that time to get an opportunity to vote for it. I have supported this bill in this respect, and I intend to vote to accept this conference report, notwithstanding these two Territories are jointed together, not that politics has anything to do with it, but because the best interests within our power to subserve require it.

Having the attitude with respect to this matter that I have maintained, I think I have heard as much as any other Senator in this body of the reasons why Senators on this side of the Chamber have voted to join those two Territories together as one State, and I do not think I have heard any Senator on this side of the Chamber give politics or political advantage as a reason.

Mr. President, the Senator talks as though these two Territories are Democratic in their politics, and that the Republican members of the Senate are seeking to obtain some kind of an improper advantage by consolidating them and making only one State of them, so that it can have only two Senators. Perhaps the Senator has not been reading the election returns from Oklahoma. There have not been any returns from the Indian Territory. But in Oklahoma, from the very beginning of the organization of that Territory, from the very beginning of the time when they commenced to vote, the Republican party has been constantly gaining strength. It was found to be a Republican Territory by the vote of 1902, again in 1904, and I have before me, having sent to the Library for it after the Senator made his remarks, the report of the election of last year, when they elected a legislature. The result of that election was eight members of the council, or senate, Republican, and only five Democratic; fifteen Republicans in the house as against eleven Democrats, making a Republican majority of three in the senate and four in the house, or a Republican majority on joint ballot of seven. So it is that Republicanism is gaining all the while. Politics had nothing to do with this provision, for according to the latest indications we would have gained by having them come in as two States.

Mr. MONEY. Will the Senator from Ohio permit me?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. Certainly.

Mr. MONEY. The Senator thinks I have not been reading the election returns. I am quite familiar with the election returns, and I want to say to him that I do not know of any Territories that do not take the complexion generally of the Administration which appoints the officers who conduct those elections. It is quite common. If the Senator will pardon me, I fully expect every one of these Territories to send Republican Senators and Republican Representatives when they are admitted into this Union, and I do not expect them ever to repeat it.

Mr. FORAKER. I have observed when a Territory or a State takes on the Republican political complexion it generally retains it.

But however that may be, what I wanted to call the Senator's attention to is the fact that I have not heard the reason assigned by him urged by any member of the Senate on this side of the Chamber. The Senator will remember that when Oklahoma Territory was created it was provided in the organic act that Congress reserved the power to reunite, for purposes of statehood, the two Territories, or to deal with them as Congress might see fit. While there has been some objection manifested to a union of the two Territories, there has been comparatively very little. The petitions that I have been receiving have been, as a rule, in favor of joint statehood; certainly in favor of joint statehood if they could not get separate statehood without a contest and without further delay.

But, Mr. President, it was not my purpose to speak particularly of that. Now, I want to say, in answer to the Senator from Texas, that I think he has given more force and effect to this provision prohibiting the sale of intoxicating liquors than he was warranted by the text in giving to that provision. One hearing the Senator speak would have concluded, I think, that there is a requirement in the enabling act that the State of Oklahoma shall put in her constitution a prohibition against the sale or barter or giving away of intoxicating liquors to anybody within the new State of Oklahoma, to be composed of the two Territories. The Senator will find, if he will take the trouble to look at the text, that the provision is not so broad; that it is so narrow and has such a manifestly proper purpose that I think the Senator upon reflection would not find so much fault with it, at any rate, as he has expressed. The provision is:

> First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited: *Provided*, That the sale, barter, or giving away, except for mechanical, medicinal, or scientific purposes, of intoxicating liquors within that part of said State heretofore known as the Indian Territory or other Indian reservations within said State be prohibited for a period of ten years from the date of admission of said State, and thereafter until after the legislature of said State shall otherwise provide.

Mr. President, I am not a member of the Committee on Territories. I have not had this bill especially under consideration. I have given very little attention to its provisions with respect to Oklahoma and the Indian Territory. I have been giving some attention to its provisions with respect to Arizona and New Mexico. But what little I know in a general way of the character of these Indians, notwithstanding the fact that we have been dissolving the tribal relations and allotting to them real estate, leads me to think it an eminently wise provision that we should in creating this State require that there shall be a positive prohibition against intoxicating liquors being furnished to them either by sale, by barter, gift, or otherwise. I do not think, Mr. President, that the Committee on Territories, who have brought this measure before us, need any defense as to this matter that they themselves can not make. I do not think anybody needs any defense for the making of a provision of that character. It is true these Indians, I suppose, are not in a wild state, but they are Indians still, although the tribal relations may be dissolved, and although we are proposing to make citizens of them.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hamphsire?

Mr. FORAKER. Certainly.

Mr. GALLINGER. I will say they are always wild when they are drunk.

Mr. BAILEY. That is not a peculiarity of the Indians.

Mr. GALLINGER. Yes; it is more than of a white man.

Mr. BAILEY. White folk get as wild as Indians when they are drunk.

Mr. GALLINGER. Not quite.

Mr. FORAKER. Some white folk are liable to.

Mr. BAILEY. And some Indians, too.

Mr. FORAKER. But whether white folk do or not, we know the Indian is a pretty unsafe character when under the influence of intoxicating liquor. I think instead of the conferees being criticised they ought to be commended for that provision. I think it is wise.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. That is not precisely a criticism against the Senate conferees, because that provision was in the House bill when it came to this body, and I intended to complain against the bill rather than against the Senate conferees.

Mr. BEVERIDGE. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. I so understood the Senator from Texas, because I knew that the Senator knew what he has just said and also that the widening of the provision was made in the Senate and not in conference.

Mr. FORAKER. I did not know about that. I was only trying to employ language that would be broad enough to cover the Committee on Territories and the conferees and everybody else who was entitled to take credit for it, for I think it is a creditable provision to put in the bill.

I wish to say another word. I was opposed to the former conference report when it was brought in here some days ago because of its provisions with respect to New Mexico and Arizona. At the time when that conference report was brought in it was published all over the country in the newspapers, and particularly in my own State, that the conference report was based on what was known as the "Foraker amendment" of last year; that it had been adopted in precisely the same language, etc. And then followed, a day or two later, some very harsh criticisms of me, particularly in my own State, because I was not satisfied with that conference report and insisted upon something else. I was not satisfied with that, and I am not entirely satisfied with this, but I am so well satisfied with it that I intend to support it.

But the difference between the amendment of last year and the amendment of this year, which is the basis of this conference report, is a very wide difference. I can best make it plain by calling attention to what the bill was that we had before us last year in this particular. It provided, with respect to Arizona and New Mexico, that they should be joined together and admitted into the Union as one State. Then it provided that the governors of those two Territories should, within thirty days after the approval by the President of that enabling act, issue a proclamation ordering an election of delegates to a constitutional convention, to be held on the tenth Tuesday after the approval of the act, and until that date was given by the provisions of the act for the registration of voters and the making of the needful and proper preparations for the vote to be taken upon delegates to the constitutional convention. Then it provided that the convention might remain in session under pay for the term of sixty days in the work of framing the constitution; that they should not be required to meet until the fifth Monday after they had been elected, and that there should be a reasonable and proper time given for a vote to be taken upon the adoption of the constitution.

That was amended by the adoption of an amendment which I offered, so as to insert in the provision as to the vote on the constitution that there should be a majority in favor of the constitution in each of said Territories. That amendment was offered without as careful consideration as should have preceded it. When the matter came up this year there had been more time for consideration, and instead of offering that amendment, I offered the amendment of this year, which provided that there should be, as a first step in determining whether or not there should be joint statehood, an election at which every qualified elector in the Territories should have a right to vote directly on the question of joint statehood—for it or against it. The provisions in other respects were very similar to those of the preceding year.

When the conference report of a few days ago was brought in it provided that within twenty days, instead of within thirty days, after the act should be approved by the President the governors of those two Territories should issue their proclamations calling upon the proper officials to make registration lists of all the qualified voters in the two Territories. This registration was to be completed within thirty days. The election of delegates to the constitutional convention was to be held almost immediately afterwards, on the fifth Tuesday after the act was approved by the President. The delegates so elected were immediately to meet in Santa Fe, and they were within thirty days thereafter to frame and submit a constitution.

It seemed to me, in other words, without specifying further, that there was an undue hastening of the procedure all along the line, and then, what was more objectionable still, was the fact that it provided that there should not be any vote directly on the question of joint statehood, but only a vote on the question of adopting the constitution, and if there should be a failure of a majority in either Territory upon the question of adopting the constitution statehood should be defeated, but not otherwise. That amendment, for the reasons I have indicated, was not satisfactory, but there was another reason still. I have contended all the while, as other Senators have, that if there was to be joint statehood of those two Territories, with the protests against it coming up to us which we have been receiving from Arizona, the people of those two Territories should not only be allowed to vote on the question, but if they were to be allowed to vote they should be allowed to vote before their representatives were required to meet together in joint convention and frame a constitution. They should not be required to frame a constitution until they knew whether or not they were going to need it. It seemed to me to be an illogical sort of an arrangement, with the feeling existing, with the opposition on the part of the people of Arizona, not to say on the part of a good many people living in New Mexico, according to my advices, to require them to meet and frame a constitution before they had determined that they needed one.

Therefore I was not satisfied with that report. I accept this report, Mr. President, because it gives thirty days after the passage of this act and the approval of it by the President for the issuance of the proclamations of the governors calling for the election of delegates to the constitutional convention, and that election is to be held in November next, and then when the delegates assemble in convention, if they ever do, they are to be allowed sixty days—twice as much time as was given under the other report—in which to do the very important work of framing an organic law. The time will prove none too long, I imagine, judging by the experience we have had in our State in making constitutions. We have tried it two or three times, and we have never been able to finish in anything like that period.

Now, in addition to everything else, we save the expense of a special election, for the provision of this conference report is that the vote is to be taken on the question of joint statehood at the regular general election to be held in the Territory for the election of Territorial officers on the 6th day of next November. Everybody can be in attendance without any expense or any trouble, except only that which the people would go to anyhow to attend the regular election. At that election a ballot is to be furnished to each voter which will enable him to vote upon the direct question whether or not he wants joint statehood. Thus we get an expression upon this direct question. At the same election, under the provisions of the conference report, they can elect delegates to the constitutional convention, to take office, if there be in each Territory a majority vote in favor of joint statehood, and frame a constitution. Otherwise the election to go for naught.

It seems to me that, under all the circumstances, this is a fair and just adjustment of the controversy, and I hope the conference report will be adopted.

Mr. PATTERSON. Mr. President, being a member of the Committee on Territories and a minority member of the committee of conference, in view of what seems very much like criticism upon the result of the labors of the conference committee, I think I should not permit this matter to close without saying a few words.

To be sure, a minority member of a committee of conference such as this is not a very enviable position. A minority member is soon given to realize that he is a sort of vermiform appendix. He has no particular function to perform, except to irritate the body of which he is a part. I sometimes think that a surgical operation might as well be performed to eliminate minority members of committees of this kind.

In what may be termed the unimportant features of the bill, although every feature is necessarily important to the Territories concerned, the minority members had their say. But when the real statehood question was reached—the details of the submission of the question of joint statehood for New Mexico and Arizona—we were called in only after the work was done and the fiat of the majority was ready to be proclaimed. To a certain extent we have given enforced acquiescence to it. But to the main propositions contained in the measure we gave most cheerful and hearty acquiescence. To that part of the report which will make certain the statehood of Oklahoma within a reasonable time the minority members of the conference are in most hearty accord. To that part which prohibits joint statehood for Arizona and New Mexico until there shall be an election held under reasonably favorable circumstances we also give our hearty accord. So as to these features of the conference report I am inclined to think the minority members give more hearty support to the report than do the majority members.

But, Mr. President, with reference to joint statehood for Oklahoma and the Indian Territory, I do not regard that as a hardship at all. It is simply the reuniting of parts, united originally, that I believe were intended to be reunited in statehood. Oklahoma was carved out of the Indian Territory, and in the bill creating that Territory it was provided that as rapidly as the tribes left in the Indian Territory ended their tribal relations the land they occupied might be added from time to

time to the Territory of Oklahoma. So I am inclined to think, if we can gather information from legislation of years ago, that it was the anticipation of Congress when Oklahoma became a State the Indian Territory would be united with it—that is, if by the time Oklahoma became a State the tribal relations of the Five Civilized Tribes had ceased and the Indians had become citizens of the United States.

Then again, Mr. President, the joint Territories of Oklahoma and the Indian Territory make a State much less in size than any State which has been admitted into the Union for thirty-five years—hardly half the size of Colorado, not a fifth the size of what would be the State of Arizona if New Mexico and Arizona should be admitted as one State. In addition to the smallness of the area, the information I received from both Territories is that their white population were quite willing, and the great bulk of it were extremely anxious, that their anomalous condition should be ended and that both Territories should be united in one State.

Therefore, Mr. President, I acquiesce with great cheerfulness in the part of the report that makes one State out of Oklahoma and the Indian Territory, and I am inclined to think that I speak for the great majority of the Senators upon this side of the Chamber when I say that they also acquiesce in that part of the report. We have all stood for either the admission of Oklahoma and the Indian Territory as two States or for the admission of both Territories as a single State. Our labors and desires and influence have been from the very first in behalf of the admission of both either as separate States or as a single State. Accepting the logic of the situation, I think I can safely say we are on this side of the Chamber now an harmonious whole for the reception of the new State of Oklahoma as is provided in the conference report and in the bill that passed the Territorial Committee of the Senate.

Mr. President, as to Arizona and New Mexico there is no doubt that every member on this side of the Chamber, with one possible exception, has been from the first in favor of the admission of each as a State in the Union. We have believed from the time this discussion commenced that each had the area, the population, the wealth, and the civilization that are necessary to make each of them a State of which the entire country might well be proud; and therefore almost as a united body we have stood contending here and before the country for the admission of each of them as separate States.

I have been particularly impelled to this by reason of the provision creating Arizona a Territory, for therein it was most solemnly provided that the government of Arizona should continue until the people of that Territory applied to Congress for admission as a State. I regarded the joint-statehood proposition for these Territories as an open and almost inexcusable violation of an obligation that was imposed upon all succeeding Congresses by the Congress that created Arizona Territory, and that it should not be ignored. For that reason we fought to the last ditch, it may be said, in opposition to everything that was intended to forcibly unite them.

To the first conference report, I think, this side of the Chamber was opposed as a body, because it did not submit to the people of each Territory, fairly and squarely and without duress, the proposition of joint or single statehood. In any event, Mr. President, without going into details, as did the Senator from Ohio, no Senator could read the provisions of that report without recognizing that there was no fair time given for registration or for the formation of a constitution or for a proper understanding of a constitution before everything would have to be voted upon next November.

In addition to that, by reason of the peculiar language of the law providing for registration, it was clear to me that upon the final vote upon both the constitution and for officers at least one-half of the legally qualified voters of Arizona would be disfranchised.

But, Mr. President, so far as the provisions of the present conference report go, they, I believe, secure to the people of both New Mexico and Arizona as fair an opportunity as could have been expected for the voters of each to express their desires upon the question of joint statehood. There is nothing that will interfere with a full and free expression of the views of each of those Territories except the fear, which must always be present, that unless they do accept joint statehood they may be kept out of the Union for a great many years to come.

But, Mr. President, I do not believe that such will be the case. If the result of the submission of this question to the voters of the two Territories shall be such, as both sides of this question anticipate, if we may judge of their anticipation by their statements, joint statehood will be overwhelmingly defeated not only in Arizona, but in New Mexico. One good result of the submission of this question to the voters of Arizona, if such shall be the result of the election, will be that neither the Senate nor House will have the hardihood to again attempt to coerce the people of these two Territories into a joint relation that neither desire and that both at heart abhor.

I have no question, Mr. President, but that when the next Congress meets, if the result of the vote shall be such as is predicted, bills for the admission of these two Territories, each to be a separate State, will be introduced and will be passed with little or no controversy.

Mr. President, like the Senator from Texas, I stand here now in behalf of the people of the country to welcome the new State of Oklahoma into the Union of States, and I believe that before another Congress has expired we will be able to welcome the people of New Mexico and Arizona into the Union as inhabitants of two separate, distinct, great, and independent Commonwealths.

Mr. FORAKER obtained the floor.

Mr. STONE. Mr. President——

Mr. FORAKER. Will the Senator from Missouri yield to me just a moment to correct a mistake I made when I was on my feet a moment ago?

The VICE-PRESIDENT. The Chair has recognized the Senator from Ohio.

Mr. STONE. I would yield to the Senator from Ohio anyhow.

Mr. FORAKER. When on the floor a moment ago, replying to the Senator from Texas about the provision as to prohibition in Indian Territory, I made the mistake of picking up the wrong bill. When I came to read the provision I read from the bill of last year. The provision this year is in legal effect, generally speaking, practically the same, but it is much longer and goes much more into details. I ask simply that it may be incorporated in the RECORD without stopping to read it.

Mr. MORGAN. I ask that it be read.

Mr. BAILEY. I suggest that the Senator will have the right to print it where he read the other provision.

Mr. FORAKER. No; I think it would be better to go in just as it is, because the remarks I made with respect to the other might not exactly fit this provision.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio to insert in the RECORD the provision he has sent to the desk?

Mr. MORGAN. Mr. President, I rise to a question of order. I ask that the matter which has been pointed out by the Senator from Ohio, and which he asks to be inserted in the RECORD, may be read.

I wish to make a remark in this connection, Mr. President. Not having been on the conference committee, I shall have to give the excuse to my constituents that I do not know what it is, and I find that the Senator from Ohio did not know what it was.

Mr. FORAKER. I hope the Senator will allow me to say to him that I think that is hardly called for. I was speaking of the general provision, and when I came to read it, having both bills on my table, I by mistake picked up the wrong copy.

Mr. MORGAN. That was very natural, because our tables have been covered with different editions of this measure from day to day. We do not know what is in this bill, and there is not a Senator on this floor to-day, unless he is a member of the conference committee, who can get up and tell the Senate what are the provisions of the bill.

I wanted to suggest that, inasmuch as this is a great matter and inasmuch as under the prediction of the Senator from Texas it is to be the last vote we shall ever take, probably, upon the question of statehood, the Senate of the United States can be indulged in time enough to have this bill printed as it comes from the conference committee.

Mr. KEAN. It has been printed.

Mr. MORGAN. I do not mean merely the report, but the bill with the amendments properly printed in the text, as the rate bill was printed as it came from the conference committee, so that we can be allowed to take it up with some composure and with some idea of what it contains, and pass upon it as becomes gentlemen who are dealing with the highest function of Senatorial power in the United States.

Mr. STONE rose.

Mr. MORGAN. Will the Senator from Missouri excuse me just a minute?

Mr. STONE. With pleasure.

Mr. MORGAN. Mr. President, if we were here making a declaration of war concurrently with the House, I suppose great solemnity and great care would characterize every word that was said and every vote that was given, the reason of that being that we could not share the responsibility of a declaration of war with the President of the United States. The two Houses

have the exclusive control of the question of a declaration of war.

Equally so, Mr. President, is it in regard to the admission of a State into the Union. The President of the United States, if you pass this bill, has no right to veto it. The President of the United States, except for some provisions that are unwise and unnecessary, would have no right to consider it. If the Senate of the United States and the House before midnight of this day should vote a concurrent resolution that the Territories of New Mexico, Arizona, Oklahoma, and the Indian Territory should be admitted into the American Union, with their respective boundaries, to be delayed only until Congress should examine the question whether the constitution that they would adopt was republican in form, those States would be in the Union, and no power in this Union could turn them out or question the legitimacy of their situation in the Union. The Senate and the House by concurrent action can provide for every condition that is requisite to the admission of a State into the Union without referring the subject to the President of the United States at all. It is a separate function.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. MORGAN. Certainly.

Mr. FORAKER. I note with much interest the remark made by the Senator, as I understand him, that it is not necessary for the President to approve an enabling act which we are proceeding to pass. I suppose the Senator bases that upon the language of the Constitution which says that the Congress may admit new States to the Union; but I will ask the Senator if it be not true that every enabling act under which a Territory has been admitted to the Union has been approved by the President?

Mr. MORGAN. No; not every one; but the great majority of them have. I concede that.

Mr. FORAKER. I supposed they all had been approved by the President.

Mr. MORGAN. I concede that; but I am not here for the purpose of following an unconstitutional precedent, if I so regard it. I am sworn to support that instrument as I understand it; and therefore it is not my duty to follow precedents at all.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. Certainly.

Mr. HALE. The proposition of the Senator, who is a very profound and learned lawyer, is to some of us novel. Is there any instance where an enabling act passed by Congress providing for the admission of a new State has not been approved by the President?

Mr. MORGAN. The Congress have invited the President to come into their counsels and participate with them in legislation appropriate to or connected with the admission of a new State. But California is a State in this Union. What enabling act did she have?

Mr. HALE. How has Congress invited the President in enabling acts and bills of this kind in any different way from what it does when Congress passes any bill without making any reference to the President and the President receives it and either approves it or vetoes it? I am not aware, in what knowledge I have of legislation on this subject, that an enabling act has in any way differed from other bills passed by Congress; but it has, without any invitation by Congress, been taken up by the President and received his sanction. The Senator may be entirely right, but, as I began by saying, it is a very novel proposition to some of us.

Mr. MORGAN. Mr. President, it is novel to gentlemen who do not pay enough attention or care enough for the opinion of their colleagues on this floor to read what they have said. In the discussion of this measure a year ago or a little more—I do not know just when it was—I put myself to the trouble of making an elaborate argument upon this very proposition, and brought in the authorites and all that. Of course that all went for nothing. It did not even draw the attention of Senators. I am not complaining of it. That is something I have the right to expect, and almost every gentleman on this side of the Chamber has a right to expect the same thing in regard to anything he may propose in this body. I do not complain of it. I do not, however, rest under the impeachment of having sprung a new idea on the Senate.

Mr. SPOONER. I listened to it.

Mr. MORGAN. The Senator from Wisconsin is generally very attentive to all that takes place in this Chamber, no matter who is on the floor.

I brought that up, Mr. President, with a view to illustrate what we are doing here. I am merely speaking of the power of the Senate and the House, not as legislative bodies, not by the enactment of a law, but by the passage of a concurrent resolution, just as we declare war, to admit a State into the American Union.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Alabama yield to the Senator from Montana?

Mr. MORGAN. Certainly.

Mr. CARTER. I think in the remarks made by the Senator to which he has referred he very clearly demonstrated that Congress could admit a State without consulting the Executive. If a State had been formed, as in the case of California, without any enabling act and Senators and Representatives elected, Congress could recognize such Senators and Representatives, and they would become a part of the legislative bodies and the State a part of the Union. But in the bill here presented, I submit to the Senator, the concurrence of the Executive is necessary, not because it is necessary to the admission of a State, but because certain appropriations are made and certain grants included in this bill require Executive approval.

Mr. BEVERIDGE. Grants of land.

Mr. CARTER. Grants of land in great quantity.

Mr. MORGAN. The appropriation that may be made for carrying into effect the joint action of the two Houses can as well be made upon the predicate of a concurrent resolution as upon the predicate of a bill that contains the appropriation itself. So that question answers itself. As to the proposition that a State may be admitted even if it has been formed, that answers itself, because a State can not be formed until it is admitted. It may be formulated, but it can not be formed. It can be stated as a proposition and submitted to the two Houses of Congress for their acceptance, and they may accept it, as they did in the case of California and in the case of Texas; but it is not a State that is formed. It is a proposition from a certain political entity or unit that they propose to form a State with our consent. When we give our consent upon the terms that have been stated, the State is formed; and when it is formed in that way there is no power in the Union that can put it out or disregard its rights.

I do not expect, Mr. President, to advance that proposition in opposition to this measure. Congress, in obeying the precedents that sometimes have obtained, has invited the President of the United States to participate in this "act of legislation," as we term it, which is for the admission of a State, and also for certain appropriations and certain regulations in regard to boundaries and the public lands, etc., that it is very proper the President should participate in.

But, Mr. President, if Arizona and New Mexico should vote in favor of statehood, an election is to determine that fact and returns are to be made from that election. That is an event in the future which determines the right of these two States to joint statehood. So far as separate statehood is concerned, that is not provided for in the case of Arizona and New Mexico. If Arizona and New Mexico or either of them refuse to be consolidated with the other that State passes back into its Territorial condition, and that is the end of it. That is as much as if the law was repealed. It has the same effect as if the law was abrogated or repealed. So that vote has either the effect of repealing, abrogating, and annulling this act, so far as those two Territories are concerned, or it has the effect of bringing them into the Union as one State.

How is Congress going to determine about that election? Who is to have the final act of determination upon that subject? The President of the United States? You might just as well say the Chief Justice of the Supreme Court, because they are both equally outsiders from the question of fact as to whether the State has been admitted into the Union by that vote. Whether it comes into the Union by that vote or not depends upon how you count it, how it is reported. There is no confirmation of it on the part of any person in this bill at all, except the President of the United States. The reports are to be made to him, if I read the bill correctly, or remember it correctly, and he is to detemine whether or not these two States, or either of them, have voted that they will not consolidate or both of them have voted that they will consolidate. Here are all the incidents of a popular election to be settled and determined, first, by the returning board, and, secondly, by the President of the United States.

Suppose the returning board returns that the two States have agreed to unite. The President of the United States says, "Well, I am not satisfied with that. Here are accusations about bribery in elections and the like of that. I am not satisfied that you had a fair election; I will not approve it, and I

will not issue my proclamation." Then nothing is done, and the alleged falsity of the returns of the returning board annuls all that Congress is doing here to-day.

That is not the admission of a State into the American Union under the Constitution. That is the mere pivotal fact that is put up in this case upon which turns the question of the admission of one sovereign State composed of two Territories; and that fact is not to be determined by the Senate or by Congress. We delegate the power to determine that fact to a third party; and I do not care whether it is the President of the United States or the Chief Justice of the Supreme Court, the delegation in both cases is equally void.

The act of admission must be the act of these two Houses, and not the act of somebody else, who shall decide whether the law or the concurrent resolution enacted here has been complied with. The act of admission must be the act of the two Houses. Under this bill the act of admission will not be the act of the two Houses. It will be the act of a returning board, approved or disapproved by the President.

Now, if you intend to bargain this subject away by a contract between four or five Senators on this floor, why have you not provided that that election shall be brought back here and tested by some measure that the two Houses might inaugurate for the purpose of ascertaining its fairness, its honesty, and its justice?

Mr. President, I have no more expectation of seeing an honest election come out of New Mexico and Arizona under the bribe we offer them to unite into statehood than I would to have sweet odors come out of the butchering houses in Chicago. You offer them $5,000,000, paid out of the Treasury to their school fund. Who pays that money? My constituents have to be taxed to pay their part of it. The Treasury of the United States must be unlocked and $5,000,000 voted out there. "If you vote for joint statehood, you will get this money. If you do not vote for joint statehood, you will not get it." Under the pressure of that single bribe, for it is nothing else, upon the mind of the voters of these Territories, we know what the result is going to be. We know it now. When the returns come in they will be that "We accept the money and vote for joint statehood." That will be the return. I do not want the Senate of the United States, by any sort of contrivance, and particularly by an arrangement made by a few Senators, to tax my people to make their contribution to that pile of gold. It was intended for nothing else in the world but to induce men to vote for joint statehood.

Who are the people who are going to vote? They are the people qualified, so far as I remember the bill, according to the laws of New Mexico and the laws of Arizona; and when we come to those qualifications there is a great mix up in regard to Indians who are taxed and Indians who are not taxed. Many Indians, I am informed by the testimony that has heretofore been given before this committee, have declined to vote, although they would have been permitted, because by declining to vote they have escaped taxation.

We draw a classification between Indians. We examine into that in Oklahoma; we hold an election there also; and all the Indians who are American citizens and who are males of 21 years of age are permitted to vote, and all the negroes who are American citizens and who are males of 21 years of age are entitled to vote; and they vote for the constitution, for these organic laws, as to which we ourselves frequently find we are entangled and engulfed in doubt and difficulty in trying to interpret. These are the men to whom we commit the destiny of a State, the fixing of the provisions of the constitution.

Then the reformers have got in there—the reformers on the subject of the prohibition of the sale of liquor. They have invaded that Territory. Then the reformers on the religion of the Mormons have invaded that Territory. Those reformers are hard at work, and they have made their work tell upon this bill. I notice in the conference report, which was printed and for the first time was in the hands of Senators this morning of this very busy, hard-worked, overworked day, that the prohibition in regard to the Territories of Arizona and Mexico is as follows:

First. That perfect toleration of religious sentiment shall be secured—

Not saying anything about Mormonism; of course that is not religious sentiment—

and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited.

To whom? To Indians. These men who have been voting for the constitution; these men who are American citizens, and because they happen to be men of Indian blood—and a man is an Indian if he is a quadroon or an octoroon with Indian blood—you must never sell any liquor to them.

In Oklahoma and in the Indian Territory the negroes, who were formerly the slaves of these very Indians, are permitted to buy all the liquor they want, but the reformer seems to have gone blind on one side of his vision, and while he is trying to reform and to make that country temperate by constitutional law, he neglects the very worst man in the world in respect of his desire for drink and his uncontrollability when he is drunk, and that is the negro.

That is a beautiful specimen of statehood for this Senate to lay before the world and all the coming generations. Gentlemen are so eager to get the advantage, whether political or not, of this situation that they pass upon questions like this without giving them the slightest heed.

You must not sell any liquor to an Indian. Although it may be found in a medicine, the sale of it or the gift of it to an Indian is absolutely prohibited. Under this constitution a doctor can not administer it to him. It is absolutely prohibited in the fundamental and organic law. If his body servant—the fellow he used to own—happens, under the law, to be a negro, he can give him all he wants.

Mr. President, that shows the folly, as well as the hypocrisy, of these half-handed measures of reformation that we put into the organic laws of the States we admit into the Union.

What State, I will ask, of the American Union was ever degraded before by the Congress of the United States by saying, "There is a class of your citizens to whom you shall not sell whisky nor give it to them?" Have we not got the right, if we can pass this law, to say that no man who is a Republican shall be allowed to drink or handle or sell liquor or be indulged in the sale of it to anybody? Of course, if he should be a Democrat, we would do it without the slightest hesitation; but I am talking about the sainted party of Republicans, who find so much of benefaction and beauty and glory in instilling their fundamental convictions, but not their practices, into the constitutions of States. I am appealing to them, because they stand above temptation. It is not to be expeced that anybody would ever think about enacting a law to make a State pass a law to prohibit the sale of liquor to a Republican, but, owing to their manifest infirmities, it might be a subject of consideration when we come to applying it to a Democrat. Mr. President, I want the opportunity to read this bill before I vote upon it.

The Senator from Mississippi [Mr. MONEY] has been charged with having given a political complexion to this bill. If the Senator from Mississippi did a thing of that sort, it was because he could not fail to recognize the complexion that has been given to the bill, and his recognition of it certainly does not make him in any sense reprehensible. He had the right to see a thing when it was spread out before him, and he, seeing it, alluded to it. That is all.

The object of this bill, Mr. President, and the object of this legislation from the time it first took its origin in the caucus of the Republican party in the House of Representatives and was brought in there, and no amendment to it was permitted, and but a limited time was allowed for speaking about it—very limited, a couple of hours or something like that—from the time that this measure which we are considering had its origin in the House of Representatives it was a Republican measure, handled, shaped, and treated exclusively by a Republican caucus. It has never lost that tone. That tone has adhered to it all the time, and it is as much political to-day as it was then.

I will tell you what I believe to be the effect if not the purpose of this bill. It affects the representation of the people of the United States in this body. There are two Senators here from each State in this Union. The splendid little State of Rhode Island and its more majestic and imperial neighbor, New York, are each represented here by two Senators. Both the Rhode Island Senators are here, I believe, but I do not think either of the New York Senators is here to-day to hear what I have to say about this measure.

Mr. President, so it runs throughout the Union. Every State in this Union has an equal suffrage in this body. When you admit a State, you add a suffrage to this body that is equal to that of any of the States that have already been admitted. We go down into the Territories that are open to us, where there are more southern people who shed their blood in winning New Mexico than there ever was of northern blood. As to these large populous areas which we are irrigating, and where we are making the desert bloom as the rose, out of taxation upon the people of the United States, you are bound to say to yourselves: "These vast and hitherto unproductive areas are showing a degree of power in agricultural production and making a vast exhibit of mining power which the brightest-

minded man in the United States, even fifteen years ago, did not dare to anticipate; they are coming forward with all their great wealth and, of course, are attracting population"—not population merely, Mr. President, but the cream of the population of the United States in respect to genius, industry, and manhood, for the frontier populations that have settled up those western countries are superior man by man to the people they left behind them after they have had the trials of a few years' hard experience; they are amongst the wisest and best and noblest of the men over whom the American flag floats. They have proved it in peace and in war. They have proved it everywhere. We know that these Territories are coming forward with a vast population. We have seen Oklahoma and Indian Territory filled up with population until it is a very marvel of the multiplication of population. Great populations are filling up these great areas and they are entitled to have, according to population and area, considered together—not as it exists to-day, but as it necessarily will exist prospectively—they are entitled to have their representation on the floor of the Senate. Animated by this proposition, I was amongst the first of the gentlemen on this side of the Chamber to commence voting for the admission of Territories as States, beginning with the Territory of Washington, and helped to vote in six Territories as States north of Mason and Dixon's line from within nine to twelve months. I rejoiced to do it, because they deserved it. How splendidly they have filled up all the expectations and prophecies of that period of time in the development of their population and their wealth, agriculture, and all that, and in the splendid men they have sent here to occupy these chairs in the Senate of the United States.

Why should there be a desire to cut down the representation of the same kind of area to which the same kind of people are flocking in the South? Why do you do it? I will impute no ungenerous or improper motives to you, gentlemen, but I see the day coming—and while I do not expect to live to see it consummated, and I hope I will not—I see the day coming when you will have a two-thirds majority trained to party support by party discipline of the same sort out of which this bill originated in the House of Representatives; and when some man who has been educated to liberty of speech and independence of thought gets up on this floor and speaks the truth, without beguiling it with falsehood or apology, if it is disagreeable to gentlemen on the other side—if such a man should get up on this floor and denounce the adoption of the fourteenth and fifteenth amendments to the Constitution as an act in derogation of and an outrage upon decent people, you might say that man's utterances were treasonable—treasonable as being connected with some church affair, perhaps, but far more treasonable in being connected with the Constitution of the United States and our history. You will have two-thirds majority, and all you will have to do will be to say to such a man as that: "You have avowed yourself as being in favor of a treasonable conspiracy under the fourteenth and fifteenth amendments. Take your walking papers and leave this Chamber." Do you want the power to inflict that upon us? Do you want to see the just and fair and proper equilibrium of the Government of the United States, this grand and magnificent Republic of forty-five sovereign States, so disturbed that one political party has the absolute control of a two-thirds majority, passing upon the credentials and the rights to the seats of the gentlemen who occupy this side of the Chamber? You may not want it, you may not anticipate it; but I dare say some day some of you will vote for such a thing. I will not impute it to the body of gentlemen on the other side of the Chamber as the prevailing sentiment; but when you have got the power to do it, I confess to you I dread you. You will do those things that we see are being done every day here, when Senators get up and avow their adhesion to certain principles of government on the most solemn occasion, and win our approbation and get us to stand by them and go with them; but when it suits their personal or political views or convenience, or when they get tired of their patriotic duties, they walk off and make an agreement about it, put it in here in the morning in the form of a report that I can not read and I can not understand, and even refuse to have it printed, that we may look it over and point out our objections to it.

I thought that the provision in regard to the prohibition of liquor was the same for the Indian Territory and Oklahoma as it was for Arizona and New Mexico, but I find that the Senator from Ohio [Mr. FORAKER] having fallen into the same error, has corrected himself and they are quite different. I do not know, Mr. President, why it is that different provisions are made in two sections of the same bill providing for the admission of States to the American Union, one applying to Oklahoma and the Indian Territory and the other applying to Arizona and New Mexico. It disturbs me. I can not account for it. I do not know any reason why it should be so. Even if the humblest Senator on this floor, the least influential or the least respected of all this body, should say he desires some explanation of this difference in regard to the conditions upon which these Territories are to be admitted, the effect of their admission, and what provisions they are to put into their constitutional law, some wiser, abler, or more powerful man of this body, who had charge of this business, who had been working it through all its great ramifications backward and forward here, should get up and explain the reason of this inconsistency in the bill.

Does the other side of the Senate want to be accused by posterity of having put into the same law inconsistent provisions that are to go into the constitution of the State of Oklahoma and the constitution of the State of Arizona, if Arizona and New Mexico should vote to come in as one State? Do you want the schoolmasters and the school children, when reading and trying to interpret the constitution and laws of the United States and the history of the States in which they may be brought up, to be asking each other what was the reason for this difference? There was some reason for it; it could not have been simply the neglect of proper attention to the subject because of the pressure of time. The people of the United States give us all the time and all the money we need for staying here and attending to our business in a correct way; and yet we spring a bill before them, one relating to the southern part, the Territory of Oklahoma and Indian Territory, and the other relating to the northern and western part, New Mexico and Arizona, and when we come to the provisions that are to be put into the constitution of each we find them varying.

That is not creditable legislation; that is not legislation that the Senate of the United States ought to place its imprimatur upon; that is not the sort of legislation that would have been enacted by this body thirty years ago, when I first took my seat in it. There were men here then who would not have tolerated any such culpable neglect in the formation of a bill. But haste, bargaining, arrangement, contract—these things take the Senate and House by storm and run us into confirmation of laws here which, on their face, are censurable.

We hasten off to invite the President of the United States to proclaim the final acts upon which this statehood is to take place; and he bases his proclamation upon the statements made by returning officers, whom, he may think, are corrupt or incorruptible, just as he pleases, and adopt them or turn them aside. All this work that we are doing here to-day still hinges upon the remote and distant possibility or probability of how that election may turn. How it may go and how it may be counted, we do not know.

Senators have ventured to predict in their optimism about the effects of this bill as a healing act; they have ventured to predict that everything will turn out well and that the people of the United States will have occasion to be proud of this transaction when they get through with it. Mr. President, I do not indulge in that happy anticipation. That election will go for joint statehood in these two Territories. If the pile of money, the $5,000,000 that we put up there, does not affect it and influence it, there will be men in both of these Territories bargaining for seats in Congress and for Federal judgeships and for seats in the Senate who will see to it that the poor, illiterate creatures, the Indians themselves, who are permitted to vote there, will be hauled up to the polls and voted, or, if not voted, they will be counted. We will have a repetition here in a small way, but scarcely less tragic way, of those events that attended the condition of the Government at the very moment I first had the honor of being admitted to a seat in this body, when a great commission sat in the Supreme Court room to determine upon the fraudulency of a Presidential election and election returns. We will have the same thing repeated, except that we have made no provision for calling that election before ourselves.

If the President issues his proclamation, that ends it; these Territories are States; and no man would have the hardihood then to rise here and attempt to exclude one of these States, admitted into the Union by the President's proclamation, on the grounds that that proclamation was not justified by the proof. No man would have the hardihood to do that. We are casting the whole destiny of these people and their representation on this floor upon the die as to how it will turn upon the gambler's board, whether they shall be in favor of joint statehood or against it.

I have said more than I expected to say, and I do not expect to ever again address myself to this Senate upon this question. So far as the Indians are concerned in one way or another, we have worked them on this continent—I will not say unjustly or unmercifully or uncharitably—but in our conflicts with them,

which have lasted for more than two centuries, we have now got to the last educated tribes in this country. Not only are they educated tribes, but they are self-educated tribes and tribes that have organized self-government within their own borders. They have had their legislatures, their supreme courts, their circuit and chancery and probate courts, have printed their reports in the English tongue, and have printed them also in that wonderful language of Sequoyah, whom I happened to know when I was a little bit of a boy.

I have known these people. I know them yet. I know Indians now, Creeks and Cherokees, lawyers of great capacity and talent, who are utterly ignored as Indians; yet they are proud of their position as such, and would be very glad indeed to bring up the remnant that is left of their tribes into the civilization which has made them so conspicuous. I will mention Porter as one of them whom I happen to know.

Mr. President, this is the last sod that is to be put on the political coffin of these people. They are not to have any more participation in the government of the State in which they live than the negroes they used to own. They lament it; they deplore it. They refer us back to treaty after treaty which pledges us not to serve them in this way; to act after act of Congress which pledges us never to incorporate them with any other State or any other Territory; that if they are to have Territorial government it shall be an Indian government. Often and over we have made these pledges. Many eloquent and wise remarks have been made in this Chamber by men who have passed away to honor and to glory in defense of the propositions contained in the treaty. And here we are, Democrats as well as Republicans, shoveling them into a coffin and burying them out of sight forever.

I can not feel justified in taking such action, not for the Indians, but for ourselves, under the promises that were made to the Indians by the men who preceded us. But this ends them. This is the close of their career. They were taken and really forced into citizenship and into the dissolution of their tribal government by the laws of the United States, and had American citizenship thus forced upon them, and then because they became American citizens we take and treat them just as well as we would the negroes who were made American citizens by the fourteenth amendment, and in that way, entirely by Congressional pressure, protested against at every move we made, these men have come to their last stand, and I, as an American Senator, simply bid them good-by. That is all I can do.

The VICE-PRESIDENT. Does the Senator from Alabama still desire to have read the portion of the bill sent to the Secretary's desk by the Senator from Ohio?

Mr. MORGAN. I desire to have it read, so that the Senate may hear it, unless the Senate will consent to print the bill as it will appear under the conference report.

Mr. FORAKER. I do not object to its being read. I asked that it might be inserted in the RECORD without reading only to save time.

Mr. MORGAN. I knew what the purpose was.

Mr. FORAKER. The general purport——

Mr. BEVERIDGE. It has been printed.

Mr. MORGAN. I want to see it before I vote on it, if I may have the opportunity.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. BEVERIDGE. I wish to say to the Senator that this bill has already been printed.

Mr. STONE. Mr. President——

Mr. MORGAN. I will withdraw the demand in deference to the request of my friend the Senator from Missouri [Mr. STONE]. I do not know why, but still I do it.

The VICE-PRESIDENT. Without objection, the portion of the bill requested to be inserted in the RECORD by the Senator from Ohio will be published without reading.

The matter referred to is as follows:

Second. That the manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within those parts of said State now known as the Indian Territory and the Osage Indian Reservation and within any other parts of said State which existed as Indian reservations on the 1st day of January, 1906, is prohibited for a period of twenty-one years from the date of the admission of said State into the Union, and thereafter until the people of said State shall otherwise provide by amendment of said constitution and proper State legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquor of any kind, including beer, ale, and wine, contrary to the provisions of this section, or who shall, within the above-described portions of said State, advertise for sale or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from other parts of said State into the portions hereinbefore described, shall be punished, on conviction thereof, by fine not less than $50 and by imprisonment not less than thirty days for each offense: *Provided*, That the legislature may provide by law for one agency under the supervision of said State in each incorporated town of not less than 2,000 population in the portions of said State hereinbefore described; and if there be no incorporated town of 2,000 population in any county in said portions of said State, such county shall be entitled to have one such agency, for the sale of such liquors for medicinal purposes; and for the sale, for industrial purposes, of alcohol which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities, and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than $1,000, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within the parts of said State hereinabove defined shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinabove provided unless such statement shall be accompanied by a bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register thereof, together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of said State at all times during business hours. Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury. Any physician who shall prescribe any such liquor, except for treatment of disease which after his own personal diagnosis he shall deem to require such treatment, shall, upon conviction thereof, be punished for each offense by fine of not less than $200 or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and any person connected with any such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions shall be punished by imprisonment for not less than one year and one day. Upon the admission of said State into the Union these provisions shall be immediately enforceable in the courts of said State.

Mr. STONE. Mr. President, I do not rise to address the Senate on this question, but to elicit information from the Senator in charge of the bill, if he can furnish it, as I suppose he can, in relation to the Osage Reservation. I know that the Osage Indians reside on that reservation. Does the Senator know and can he inform the Senate whether there are whites residing there; and if so, how many, and whether they have the rights of citizenship on that reservation?

Mr. BEVERIDGE. The Senator from Vermont [Mr. DILLINGHAM], when the bill was before the committee and also in conference, had the question of the Osages particularly in charge, and one day here he made a very exhaustive statement containing all the statistics about which the Senator from Missouri now inquires. My own recollection, which is very vague and indefinite compared with the accurate information which the Senator from Vermont is able to give, is that there are perhaps half as many whites as Indians. I think there are some four or five thousand Indians.

But the Senator from Vermont during the pendency of this bill before the committee in the first place had that matter very particularly in charge, and on a former occasion made a statement in the Senate containing all the data and statistics with reference to it. That is my own vague recollection.

Mr. STONE. If the Senator from Vermont will do me the kindness, I should like to ask how many whites reside on the reservation and what their right of residence there is.

Mr. DILLINGHAM. I think the Senator from Indiana is somewhat incorrect in stating the extent of my information. I do not now recall the exact number of Indians residing there, nor do I recall the exact number of whites. My general recollection is that the whites are about one-half of the number of Indians. I understand that all the land in that reservation is held by the tribe; that they have title to it; that it has not been allotted; and that while several town sites have been laid out, the whites who are residents there have not become landowners, and in fact could not, under the present provision.

Mr. STONE. My understanding has been that the whites residing on this reservation were temporarily there because of leases that have been made with the Osage tribe with respect to oil and gas lands which are being operated; that there is no permanency to their residence; and that really they have only a mere right of occupancy for the purpose of developing these oil wells and gas wells. I think that information is reliable and correct, and if it is I am puzzled to understand why the Osage Indians, who are the only people, or practically the only people, who live permanently on this reservation, and who are entitled to be there, except those who are there temporarily, should be given a delegate in the constitutional convention. Under the bill the Indian Territory is given——

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. STONE. Yes, sir.

Mr. LONG. I think under the provisions of the last conference report, which we are now considering, they are given not only one delegate, but they are given two.

Mr. STONE. I think one, under the report we are considering.

Mr. LONG. Under the first conference report they were given one; under this one I am sure they are given two.

Mr. STONE. As the bill came from the House it gave two, and it was amended in the Senate and reduced to one.

Mr. LONG. But we have receded from that amendment in this conference report.

Mr. STONE. If the Senator states that to be true, I accept it.

Mr. LONG. If I am incorrect, I will ask to be corrected by the Senator from Vermont. I am assured——

Mr. BEVERIDGE. That is correct.

Mr. LONG. I am assured by the Senator from Indiana that that is correct.

Mr. STONE. Then I am still more puzzled, if possible, to understand why the Osage Indians should be given two delegates. The Indian Territory is awarded fifty-five delegates and Oklahoma fifty-five delegates. The Osage Reservation is allowed two delegates, the Senator from Kansas, under the last report, thereby giving to the representatives of the people in that reservation the balance of power in the constitutional convention which is to frame the organic law of the State.

Mr. President, the Osage Indians are not citizens of the United States. They were not of the Five Civilized Tribes. Their land has not been allotted. They are not clothed with citizenship. Moreover, the Osage Indians approach more nearly to the real blanket Indians, or certainly as near to the real blanket Indians as any other tribe in this country. It is proposed in this bill to give to these Indians, who are not citizens, the right to a representation which will exercise the balance of power in the convention or else give that representation to people who are temporarily on the reservation, by right of course, but temporarily, for the purpose of carrying on an industry that will cease in the not distant future.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. STONE. Yes, sir.

Mr. CARTER. I do not state it with authority or on personal knowledge, but I have heard the fact stated that there were about 5,000 white people residing by authority on the Osage Reservation; that by virtue of lawful right town sites have been laid out within the Osage Reservation, and town lots have been sold within those town sites; that the town lots were purchased in legal form; that the titles are good; that business is being conducted within the towns by white men as well as by Indians.

I assume that the representation allowed in the constitutional convention contemplated the representation due these 5,000 white people. The Senator from Kansas is probably thoroughly well informed concerning the conditions there existing, and I have no doubt he can give the Senator from Missouri accurate information upon the points to which his questions are directed.

Mr. STONE. What I have said has been predicated on the belief and understanding that the white population there was small and, as I say, only temporarily residents of the reservation.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. STONE. Certainly.

Mr. LONG. I think the Senator hardly describes the condition when he says the white population there is temporary. They reside in the towns. They own the lots under laws that have been enacted. I am informed there are 5,000 white persons living in this reservation now in the towns alone. There are also white people living in the country, under leases approved by the Secretary of the Interior, in addition to the 5,000 living in the towns. There are about 1,800 Indians upon the reservation. Those having certain qualifications are entitled to vote for members of the constitutional convention and on the question of the ratification of the constitution.

So these two delegates that are provided for the Osage Reservation will represent not only the Indians, but also the white people who live in the towns and who live in the country in that reservation.

Mr. STONE. If it be true that there are 5,000 people resident on that reservation, with the right to be there, with their homes, my information is not correct. It is a matter of information, a matter of fact. The Senator from Kansas possibly is better informed about it than I am.

Mr. LONG. I will state the source of my information with regard to the population.

Mr. STONE. It is not worth the controversy.

Mr. LONG. It is the Delegate from Oklahoma.

Mr. STONE. I do not care to discuss the matter. I simply wanted the information. I accept that which has been given.

Before I sit down, Mr. President, I will say that I am very glad that this long controversy is about ended. I can but feel that a gross wrong is being done the people of the Indian Territory and of Oklahoma in compelling the union of the two Territories as one State. I will not attribute unworthy motives to those who have brought the pending legislation to this end. That it does inure to the sectional advantage of the smaller States of the East and unfairly lessens the just representation of the great Southwest, to my mind is beyond fair dispute. But the thing is done, and I am glad that the nearly 2,000,000 people of these Territories are at last to have the benefit of the blessings of a government of their own, are at last to be freed from the constant supervision and tutelage of departmental officers in Washington, a thousand miles or more away from them.

I do not share in the apprehension of the Senator from Alabama [Mr. MORGAN] that the great sum to be given out of the Treasury to the school fund of the proposed State of Arizona and the enormous grant of land to that State will operate to bribe the voters of Arizona to accept this repugnant union sought to be forced upon them. There is no reason why the voters of Arizona should accept it; why they should wear this yoke unwillingly. If this proposition is voted down by either of the Territories, it will not come here again in that form. Arizona can be admitted as a separate State, as can New Mexico, and the same generosity is offered in this bill to the support of their schools. The Senator from Alabama [Mr. PETTUS] advises me that the two Territories are to vote jointly. I understand they are to vote separately, and that if either votes against the union, then the whole proposition is lost.

Mr. PETTUS. That used to be so.

Mr. STONE. That is in the conference report. I did not rise to discuss the subject, but to make an inquiry.

Mr. McCUMBER. Mr. President, unlike the Senator from Missouri [Mr. STONE], I am not taking on an extra load of happiness or gratification because of the final settlement of this very vexed question and this long dispute, for the reason that I can not get a great deal of comfort out of the settlement of a controversy until that settlement is a right and not a wrong settlement.

Mr. President, I wish this evening very briefly to suggest to the Senate that I at least, as one who has opposed and, I believe, consistently opposed the uniting of the Territories of Arizona and New Mexico, can not agree to surrender the principle which I feel has been surrendered in this compromise movement. When I voted for the Foraker amendment some two or three years ago in this controversy, I voted for it not because I thought it was sound in principle that we should submit to any given Territory the question whether it should be joined to another and admitted, but because at that time, in order to prevent a greater wrong, the proposition of the Senator from Ohio was placed there as a kind of check against legislation which would, without it, probably have united the two Territories. I voted for it because of that and that only.

Now, the Senator from Ohio [Mr. FORAKER] and the Senator from Montana [Mr. CARTER], who seems to father this compromise measure, appear to me to have surrendered the principle that was really at stake in that proposition. What was that? That no two Territories of themselves should dictate to Congress either whether they should come in jointly or come in together, nor should that question with them in the slightest degree affect us.

Mr. President, the question whether Arizona and New Mexico should come into the Union as a single State is not a question for those two Territories to decide. You might as well say that those two Territories should decide whether they should come in as four States instead of two States. It is for Congress to determine what Territories should be taken into the Union, and no people now living in any one section of the United States have a right by their vote to disfranchise any portion of the territory at present within the boundaries of the United States in their voice in the Senate of the United States fifty or one hundred years from to-day.

With the sparse settlements in those two Territories, with the great influence that will be brought to bear in those Territories by politicians who are spurred on with the hope of securing some political preference, I am not so certain that they will not be able to secure a vote in both of the Territories in favor of

joint statehood. I hope that they will not. I know that if they were not influenced one way or the other they certainly would not vote in favor of any joint statehood. But what I insist upon is that Congress should not be bound by the vote of those two Territories if they desire to come in as one State any more than it should be bound by their preference in coming in as four States.

I do not entirely agree, Mr. President, with the sentiments that have been expressed by the Senator from Mississippi [Mr. MONEY]. The Senator from Mississippi seemed to think that this has been made a political question. As between the two older parties it certainly has not been made a political question. It was within the power of the Republican majority in this body to create two States, one of which would be certainly Republican, the other of which would have been certainly Democratic, and the one would offset the other, so far as political influence in the Senate was concerned. They have laid aside that view of it, and have by a majority voted for a State that will be absolutely Democratic as it comes in as a new State, and, in my opinion, the Senators who will come from that State will be Democratic Senators, because I believe that that is the sentiment of the entire Territory now united in one.

What influence, then, has been at work which has compelled the Senate to adopt a measure which is to take two Territories, either one of which would make a splendid State, and either one of which would be equal in area to the average State east of the Mississippi, and say that those must come in simply as one State? It is not the influence of the politics of parties so much as the influence of the politics of sections. It may be that there is no politics other than sectionalism in this matter.

Mr. President, there has never been a Territory yet admitted as a State that the admission was not influenced more or less by sectionalism, and probably there never will be one. How do I arrive at this? It is the theory of a number of the older States, those that are now settled, that their proportionate force in the Senate of the United States shall not be lessened. I think that is the guiding influence which has affected very many of us in the question that has been before us.

There has been another matter, too, strange as it may seem. A great many Senators have argued this case upon the ground that we did not want to admit a new State with a boundary line such as we will find in the Indian Territory, and thus the irregularity of boundary lines is made an influence more or less great in determining whether we shall have one State or two States in Indian Territory and Oklahoma. In other words, we have been making a map for the United States, rather than making States. It seems to be against our æsthetic taste that we should have any more States as irregular in outline as Florida or as West Virginia, and we want our map hereafter to look more like a checkerboard, as it will be more pleasing to the eye, without reference to these great sections.

Mr. President, I for one wish to vote against this measure for that reason. I believed several years ago, I continue in the belief, that the four Territories remaining west of the Mississippi River should be made four great States; first, because they have the area, and, second, so far as the Territory of Oklahoma is concerned, it has now the population, and in future will have a great deal more than the population for proper representation in both branches of Congress, and that should be the governing feature in the admission of any new Territories.

I am opposed to uniting these two Territories into one State for another reason. That vast section lying west of the Mississippi River, more than two-thirds of the territory of the United States, and in less than one hundred years, in my opinion, having two-thirds of the population of the United States, should have at that time a representation equal to the other third, because they will have both the territory and the population equal to the other third of the United States. In legislating on a subject of this kind we are not legislating for to-day, but we are legislating for fifty, a hundred, and a thousand years from to-day, and we ought to look to the future sufficiently to guard the interests of every section of the country, so that the representation should be as nearly equal as we could possibly make it. In this legislation we have not done so. In this legislation, as proposed by this amendment, we have surrendered the principle that Congress and not a section of the country is to determine whether it is fitted to come into the Union and with what boundary it should be taken as a State into the United States.

Mr. DUBOIS. Mr. President, I believe that Oklahoma should be one State and Indian Territory another State; but inasmuch as the people of those Territories have expressed their willingness to be joined, I accept readily that part of the conference report.

I do not think that Arizona or New Mexico, singly or jointly, should be made a State at this time. I am very much opposed to that part of the conference agreement. I offered an amendment to the Arizona bill when it was pending, which I will ask the Secretary to read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

VI. No person shall be permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic, or insane, or who has, at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or the United States forbidding any such crime, or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or who teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State.

VII. The legislature may prescribe qualifications, limitations, and conditions for the right of suffrage additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.

Mr. DUBOIS. Mr. President, that amendment was adopted by the unanimous vote of the Senate, without opposition by voice or vote, and I think it should have been retained in the bill. If this proposed new State comes into the Union, the hierarchy of the Mormon Church is already there. It has its nucleus, and this provision in the constitution would be a restraint upon its power, which is most powerful.

It is said that there are few Mormons in Arizona and New Mexico. Last year there were seventeen convictions of Mormons for unlawful cohabitation in Arizona and fifteen in New Mexico. That means that at least ninety-three persons were living in the polygamous relation in those Territories. I have myself seen in the office of the Attorney-General of the United States a long list of polygamists in those Territories. There are at least ten living in this relation in Idaho and Wyoming and Utah where there is one in Arizona or New Mexico. Yet you can not convict one of them in any of those States, because of the tremendous political power of this organization, and when you clothe these Territories with statehood, when the power of the United States is taken away, then comes the political power of this hierarchy, and no convictions will be had there for these crimes.

I have been engaged in this conflict with the Mormon hierarchy for twenty-five years—ever since 1881—with the exception of a few years after the issuance of the manifesto, when the Mormon Church proclaimed that they would cease their political dictation; that they would cease their polygamous living; and when, through pleas for amnesty, they reiterated these pledges to the Government. During that era I was led to believe that they were sincere. I accepted their statements, and hoped and said that the church had given up polygamy and polygamous living and had ceased to dominate its followers in political affairs. But soon after statehood came to Utah they resumed these practices, until now conditions are worse and more dangerous to our civilization than in the early days.

I know what this means to me full well. It means the end of my political career. I stated it plainly to my people in Idaho when I started this conflict again. When I announced my determination to put laws on the books to punish polygamous living and to separate the church from the state in politics, I knew and said in public speech that the power of this hierarchy would stop my political career.

I have never asked quarter from them, and I never have given any. I will say to the credit of the chiefs of this organization that they never made the charge against me that I ever sought their political aid. Twice I was elected to the other branch of Congress and twice to this. During all of those elections, popular or otherwise, I received but one Mormon vote. On my last election to the Senate a Mormon from my county voted for me, but he would not have done so if his vote could have beaten me.

I enjoy the life here; I enjoy the duties here; and I would have had a continued service had it not been for this conflict. If it were not for this treasonable and polygamous organization in Idaho, if there were no Mormons there, I would be elected Senator again, almost without opposition. They interrupted my career in 1896. I carried twenty-nine members of the

legislature, who were pledged to me, out of thirty-six necessary to elect. I should have carried all of those in my own section of the country where the Mormons lived. That was in the era of good feeling, too. It took them a month to defeat me in the legislature, and they could not have done it then and would not have done it had it not been for this hierarchy, who controlled enough Mormons, and some who were not Mormons, to prevent my election.

I want to warn the Senate that they are playing with fire when they do not restrain in all proper ways this menace to our civilization. No man can be elected a Senator from Utah or Idaho or Wyoming who will oppose openly the practices of this hierarchy and this organization. Unless you are watchful and understand that Mormons are not Republicans or Democrats, and support no party or no principle except for the benefit of their organization and for the perpetuation of polygamy and the political power of their hierarchy, you will soon find that they are the balance of power in this great body.

I regret that the conferees did not put that amendment in this bill for the benefit of the American citizens there who soon, when statehood comes, will have to fight this fight.

I shall not vote for the conference report.

Mr. BAILEY. Mr. President, just one moment. I think it fair and just to the Democrats, at least in the Senate, in view of what was said by the Senator from Mississippi [Mr. MONEY], to say that no Senator on this side feels that in voting for this conference report he is voting to unite Oklahoma and Indian Territory against their will.

In the early stages of this controversy I was as earnestly in favor of the separate admission of those States as the Senator from Mississippi is or could ever have been. I insisted upon that course so long as there was a possible hope of its accomplishment. I voted to separate them and to admit each as a State into the Union, because I know, and I know it as a neighbor to both, that each possesses the wealth, the population, and the resources to qualify it to discharge all its duties as a Commonwealth of the American Union.

But when by an overwhelming majority the Senate and the House, each upon separate occasions, had voted against the proposition to admit these two Territories as separate States, I abandoned my hope, though I did not change my opinion. I believed then, I have believed throughout the controversy, I believe this afternoon, that they ought to be admitted as two States into the Union.

But, Mr. President, I know as well as I know that I am addressing the Senate this moment that their separate admission is not within the range of human probability. I know that when they are admitted they will be admitted as one State, and I know that a further resistance of their admission as one State is simply a resistance against their admission at all.

Therefore it seemed to me as their neighbor, acquainted with their condition, and with some knowledge of the difficulties under which they labor, that I would fail in my duty to them and I would fail in my duty to the Senate, if I persisted in advocating what will never be done and in resisting the only thing which will be done.

Mr. President, one word more. The Senator from Mississippi seemed to think that the prohibition part of this enabling act is mere brutum fulmen, and that it is without any force or effect. He would be right if this bill provided that no liquor should be given to the Indians at any time, and that no liquor should be sold within a given time throughout what is now the Indian Territory; but the gentlemen who drew that bill were wiser than to draw it in that way. They provide not that it is the law of Congress that no liquor shall be sold, but that before this new State is admitted into the Union it shall itself provide by constitutional enactment that no liquor shall be sold Therefore, if this provision should be attacked in the courts of the country, the people who attack it would not allege that Congress had no power to pass that law, for, if they did, the officers of the State would answer that they prosecuted, not under the law of Congress, but under the constitution of Oklahoma and under the laws made in pursuance of it.

I grant you that after Oklahoma once becomes a State, her people can amend their constitution, although the law of Congress under which they are admitted declares that that provision shall not be amendable. They can amend it, because, in my judgment, it is not competent for Congress to impose a continuing obligation like that upon a State. But when, in obedience to the requirement of Congress, the new State has made this provision a part of its constitution, it will be easier to live under the limitation than it would be to repeal it; and the sum of it all will be that for ten years this new State of Oklahoma will be living under a law imposed upon it by Congress, and not adopted by its free will.

Mr. President, I have no desire to engage with the Senator from Mississippi or any other Senator in an argument upon the prohibition question. I have never believed that this is the forum for that argument. If to-morrow a law of that kind should be proposed here, I would resist it, because it belongs to the States and not to the Federal Government. But while I earnestly believe in the rights of the States, I have yet to learn this new doctrine of the rights of the county. When the Senator from Mississippi insists that in supporting an amendment to the constitution of my State I was destroying the right of local self-government he carries that theory further than it is safe to carry it. I understand that, as a matter of policy, it is better to leave as many things to the local communities as possible, but I have not understood that the counties possess rights against the State the same as the State possesses rights against the General Government.

Mr. FORAKER. Mr. President, referring to the remarks made by the Senator from Idaho [Mr. DUBOIS], I send to the Secretary's desk and ask to have inserted in the RECORD, without taking the time of the Senate to read it, some correspondence with the Department of Justice as to prosecutions in New Mexico and Arizona. I will only state that there were thirty-one convictions, fifteen of which were in New Mexico, and not one of them was a Mormon. There were sixteen prosecutions in Arizona, and only ten of them were Mormons, and all of them were convicted of cohabitation on account of marriages which occurred prior to 1887.

The VICE-PRESIDENT. In the absence of objection, the communication referred to by the Senator from Ohio will be incorporated in the RECORD without reading.

The correspondence referred to is as follows:

Correspondence between Senator Smoot and the Department of Justice relating to the number of polygamists in the Territories of Arizona and New Mexico.

WASHINGTON, D. C., *March 27, 1906.*

Hon. WILLIAM H. MOODY,
Attorney-General, Washington, D. C.

DEAR SIR: On page 3640, CONGRESSIONAL RECORD, March 9, 1906, Senator DUBOIS, of Idaho, made the following statement:

"I saw a list in the office of the Attorney-General of the United States of polygamists in Arizona, which list comprised from fifty to one hundred men and about three times as many women, and there was a large list also of polygamists in New Mexico. This has been ascertained by special agents of the Government, and of course did not include all, by any manner of means, who are living in this relation in those Territories.

If there is such a list in your office, I would be greatly obliged if you would let me know the number of men and also the number of women in the Territory of New Mexico and in the Territory of Arizona who are charged with being polygamists.

On page 3651 of the CONGRESSIONAL RECORD of the same date, Senator BURROWS, of Michigan, read extracts from a letter addressed to him from you, dated December 29, 1905, in which the following occurs:

"It will therefore be observed that the investigation conducted by the Department in the Territories of Arizona and New Mexico since the matter was first called to the attention of the Department by you has resulted in thirty-one convictions in these two Territories, in the majority of the cases upon the charge of unlawful cohabitation."

Please let me know how many of these thirty-one convictions were in Arizona and how many in New Mexico, how many were for unlawful cohabitation, and how many of those convicted were understood to be members of the "Mormon" Church. If you will give me the names of those convicted, I will find out if they are members of the "Mormon" Church; but I do not wish to ask for any information which it would be in any way improper for the Department to give out.

An early reply will be appreciated, and I will be obliged for any information you may be able to convey.

Yours, very truly,

REED SMOOT.

DEPARTMENT OF JUSTICE,
Washington, March 29, 1906.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 27th instant, making certain inquiries regarding the investigations conducted under the supervision of this Department of alleged violations of the laws of the United States against polygamy in the Territories of Arizona and New Mexico.

The report of the special agent shows that he investigated seventy-two cases against women and thirty-two cases against men in the Territory of Arizona, and seventeen cases against women and eight cases against men in the Territory of New Mexico.

Of the thirty-one convictions to which you refer, sixteen were in Arizona and fifteen in New Mexico. The report does not indicate who, if any, of this number were members of the "Mormon" Church, nor are the names of the persons of record here. However, if you desire their names and will so inform me, I shall be glad to write the United States attorneys for the Territories in question and secure them.

Respectfully,

H. M. HOYT,
Acting Attorney-General.

WASHINGTON, D. C., *April 2, 1906.*

The ATTORNEY-GENERAL,
Department of Justice, Washington, D. C.

SIR: I have the honor of acknowledging the receipt of your letter of March 29, 1906 (C. H. R. No. 35512), and thank you for the information contained therein. I will consider it a favor if you will write to the United States attorneys for the Territories of Arizona and New Mexico and secure the names of the parties constituting the

thirty-one convictions, as stated in your letter; sixteen in Arizona, and fifteen in New Mexico. I would also consider it a favor if you would ask the attorneys to indicate whether or not the persons convicted were members of the "Mormon" Church, their ages, and the dates of their marriages.

Thanking you in advance for this information, I remain,

Yours, respectfully,

REED SMOOT.

DEPARTMENT OF JUSTICE,
Washington, April 2, 1906.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, asking that I furnish certain additional information concerning convictions in the Territories of Arizona and New Mexico for unlawful cohabitation, etc.

I have directed the United States attorneys for these Territories to furnish the data as soon as practicable.

Respectfully,

M. D. PURDY, *Acting Attorney-General.*

DEPARTMENT OF JUSTICE,
Washington, April 17, 1906.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

SIR: Adverting to your letter of recent date requesting certain information regarding convictions for unlawful cohabitation in the Territories of Arizona and New Mexico, I beg to inclose you a copy of that portion of the letter from the United States attorney for Arizona furnishing the data for his Territory. The dates of the convictions of these persons, subsequently requested, have not yet been furnished this Department.

Respectfully,

M. D. PURDY,
Acting Attorney-General.

The names of the persons convicted of the above crimes are as follows:

For unlawful cohabitation: J. K. Rogers, Levi Savage, Joseph Fish, J. W. Brown, John P. Rothlisberger, Jacob Butler, David K. Udall, Jesse N. Smith, Henry M. Tanner, and Joseph W. Smith.

For adultery: Mariano Serrano, Mariano Gonzales, John W. Hardy, B. W. Birch, and Mrs. Kate Nelson. The latter two were jointly indicted.

For fornication: Francisco Flores.

For polygamy: Sam A. Nations.

However, from information received by me both from their counsel, the deputy marshal who arrested them, and the judge of the court who sentenced them, I can state that said ten persons were members of the Mormon Church, and that their ages in no case was under 43 years. And from information gathered from the same sources I feel safe in saying that their respective marriages dated back to no later period than 1887.

Relative to the convictions above reported for adultery, fornication, and polygamy, I beg to say that said convictions were had while my predecessor, Mr. Nave, was still in office, and I have never seen any of the defendants in said cases except Flores, Gonzales, and Hardy, and I know that they are not members of the Mormon Church. As to the other defendants in said last-mentioned cases, my information is and I feel certain in saying that they were not members of the Mormon Church. The records in my office do not show the ages of any of the defendants or their dates of marriage.

DEPARTMENT OF JUSTICE,
Washington, May 14, 1906.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

SIR: I have the honor to transmit herewith a copy of the report received from the United States attorney for the district of New Mexico covering the details of prosecutions for polygamy, etc., in that Territory.

Respectfully,

M. D. PURDY,
Acting Attorney-General.

LAS CRUCES, N. MEX., *May 9, 1906.*

The ATTORNEY-GENERAL,
Washington, D. C.

SIR: In reply to your message of the 6th in re the polygamy report, I have the honor to report the following:

FIRST JUDICIAL DISTRICT.

No. 1726. Higins *v.* Gonzales and Maria Naranji. Adultery.
No. 1739. Anacito Martinez and Lucia Gonzales. Adultery.

SECOND JUDICIAL DISTRICT.

No. 2131. Vidal Tapia and Bernarda M. de Mora. Adultery. Bernarda M. de Mora, plea of guilty. Vidal Tapia not arrested.

THIRD JUDICIAL DISTRICT.

No. 1305. Robert Le Brown and ——— ———. Bigamy. Defendant a fugitive. Cause stricken from docket with leave to reinstate.
No. 1344. Jesus Gonzales and Alejandra Trujillo. Adultery. Defendant Gonzales arraigned and plea of guilty. Defendant Trujillo not arrested.

FOURTH JUDICIAL DISTRICT.

No. 763. Bartoldo Gordovia and ——— ———. Adultery.
No. 758. Francisco Gallegos and ——— ———. Fornication.

FIFTH JUDICIAL DISTRICT.

No. 404. Vicente Gonzales and ——— ———. Adultery.

SIXTH JUDICIAL DISTRICT.

No. 23. Juan Montoyo and ——— ———. Incest.

None of these parties belong to the Mormon Church, and none of the parties married; as to their age, it is impossible to ascertain.

Respectfully,

W. H. H. LLEWELLYN,
United States Attorney.

List showing polygamists in Arizona and New Mexico.
[Compiled from affidavits in possession of Senator SMOOT.]

ARIZONA.

Name.	Residence.	Legal wife.	Plural wife.
*David K. Udall	St. Johns	Eliza L. S.	Ida F.
*John W. Brown	do	Cynthia	Thurza.
Williard Farr	do	Mary E. B	Mary Ann.
Andrew V. Gibbons	do	Elizabeth	Ella.
*Jacob N. Butler	Greer	Sarah Ann	Mary S.
*John P. Rothlisberger	St. Johns	Emma[a]	Adelide.[b]
Hyrum S. Phelps	Maricopa Stake, Mesa.	Clarinda	Mary E.
Elijah Pomeroy	do	Etta	Lucretia.
Timothy Metz	do	Lena	Anna.
*James K. Rodgers	Pima	Josephine	Louise.
D. P. Barney	Thatcher	Laura	Sophia.
Hyrum Brinkerhoff	do	Margrett	Ellen.
S. B. Curtis	do	Susan	Ella.
O. M. Allen	do	Diniah	Sorona.
William Ballard	Pima	Mary	Ellen.
James Gale	Franklin	Sarah	Elizabeth.
John Merrill	St. David	Rebbeca	Ester.
Jonathan Hoopes	Thatcher	Mary Ann	Susa.
H. N. Chlarson	do	Hannah	Christeen.
John Nuttall	Pima	Laura	Teeney.
Francis Kirby	do	Rachel	Leah.
Peter A. McBride	do	Ruth	Laura.
James Freestone	Layton	Mariah	Pauline.
J. J. Brady	Show Low	Mehetable	Mary.
*Jesse N. Smith	Snow Flake	Emma S	Emma, Janet M., Augusta M.
John Hunt	do	Sarah	Hapilona.
*Joseph W. Smith	do	Nellie M	Della.
Levi M. Savage	Woodruff	Lydia L	Hannah A.
David Brinkerhoff	do	Lydia	Vina.
*Joseph Fish	Holbrook	Eliza J	Julia, at Woodruff.
*Henry M. Tanner	St. Joseph	Eliza	Emma.

NEW MEXICO.

F. G. Neilson	Bluewater	Emma[c]	Mary Ellen.[d]
E. A. Tietjen	do	Emma O	Emma C.
Emer Ashcroft	Ramah	Finty	Agnes.
Benjamin D. Black	Fruitland	Susan	Alice.

[a] Residence, St. Johns. [b] Residence, Eagar.
[c] Residence, Bluewater. [d] Residence, Ramah.

In Arizona: Males, 31; females, polygamists' wives, 33.
In New Mexico: Males, 4; females, polygamists' wives, 4.
Star indicates those convicted for unlawful cohabitation.

Population of the Mormon Church in New Mexico.

Ramah	135
Mammond	142
Burnham	557
Luna	104
Total	938

Population of the Mormon Church in Arizona.

Maricopa stake	1,223
St. John stake	1,300
St. Joseph stake	3,678
Snowflake stake	1,570
Total	7,771

The above includes all souls in these Territories.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

MEMORIAL ADDRESSES ON THE LATE SENATOR BATE.

Mr. CARMACK. Mr. President, a few days ago I gave notice that on Saturday, the 16th instant, I would ask the Senate to consider resolutions of respect to my late colleague, Hon. WILLIAM B. BATE; but on account of the necessary absence of a number of Senators who wish to make remarks, and at their request as well as at the request of my colleagues from Tennessee in the other House, I wish to withdraw that notice, and I shall renew it at some future time.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. LODGE. Mr. President, I desire to offer an amendment to House bill 14396, being the Lake Erie and Ohio River Ship Canal bill, which has been pending in the Senate. I am obliged to leave the city to-morrow, and I will ask that the amendment which I send to the desk may be printed. It is to the proviso on page 10, beginning in line 11. It is intended merely to make the bill conform to the Niagara bill, which has passed both branches and is now in conference.

The Senator from Wisconsin [Mr. SPOONER] has kindly consented to take charge of and move the amendment in my absence. I have spoken to the Senator from Pennsylvania and the Senator from Minnesota, and they see no objection to the amendment.

The VICE-PRESIDENT. The proposed amendment will be printed and lie upon the table.

Mr. PENROSE. Mr. President, having yielded all the afternoon to other business, and therefore being disappointed in the

hope of disposing of the Lake Erie and Ohio River Canal bill this evening, I ask unanimous consent that it may be taken up to-morrow morning after the routine morning business shall have been completed.

The VICE-PRESIDENT. Is there objection to the request?

Mr. BACON. What is the request, Mr. President?

Mr. PENROSE. To take up the Lake Erie and Ohio River Canal bill to-morrow morning.

The VICE-PRESIDENT. The request is that the Lake Erie and Ohio River Canal bill, which has been under consideration, shall be taken up for consideration immediately after the routine morning business to-morrow. Is there objection? The Chair hears none, and that order is made.

AIDS TO NAVIGATION.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19432) to authorize additional aids to navigation in the Light-House Establishment, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 9, 10, 16, 17, 18.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 11, 12, 13, 15, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In the first line of the language proposed strike out the word "light-ship" and insert in lieu thereof the words "light vessel;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In next to the last line of the language proposed strike out the words "to construct" and insert in lieu thereof the words "toward constructing;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Range lights, Superior pierhead, Lake Superior, Wisconsin, at a cost not to exceed twenty thousand dollars;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "A light and fog-signal station, Hinchinbrook entrance, Prince William Sound, Alaska, at a cost not to exceed one hundred and twenty-five thousand dollars;" and the Senate agree to the same.

KNUTE NELSON,
J. H. GALLINGER,
THOMAS S. MARTIN,
Conferees on the part of the Senate.

JAMES R. MANN,
F. C. STEVENS,
W. C. ADAMSON,
Conferees on the part of the House.

Mr. HALE. I rise to a privileged motion.

Mr. NELSON. I ask that the conference report may be printed and lie on the table, to be taken up to-morrow.

The VICE-PRESIDENT. The order to print will be made, in the absence of objection.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 14, 1906, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 13, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE ON THE PUBLIC LANDS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that the Committee on Public Lands have permission to sit during the sessions of the House.

The SPEAKER. Is there objection?

There was no objection.

DIPLOMATIC AND CONSULAR BILL.

Mr. COUSINS. Mr. Speaker, I desire to call up the bill H. R. 19264, the diplomatic and consular bill, and ask unanimous consent that the House nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Iowa [Mr. COUSINS] asks unanimous consent that the bill H. R. 19264 shall be taken from the Speaker's table and that the House nonconcur in the Senate amendments and ask for a conference. The Clerk will read the title of the bill.

The Clerk read as follows:

H. R. 19264. An act making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1907.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. COUSINS, Mr. CHARLES B. LANDIS, and Mr. FLOOD.

Mr. BANKHEAD. Mr. Speaker, the question of the transportation and distribution of manufactured and agricultural products is the most important subject that at present or hereafter can engage the attention of the lawmaker or the political economist. Upon the correct solution of this problem depends very largely the future greatness and prosperity of this country. Every article manufactured or produced must be transported to market by some means. The question may be well divided into three classes and treated under as many different heads: (1) Transportation by rail; (2) transportation by water; (3) transportation over the common highways or dirt roads.

I need not discuss the first proposition, as many days and weeks have been consumed in the debate on the bill now in the hands of the conferees, and which will doubtless become a law in its most essential features, and which is intended to regulate interstate commerce by rail and to fix and enforce just and reasonable rates. Every phase of the subject has been presented and discussed by able and experienced lawmakers, and to my mind the question of transportation by rail is settled so far as Congress can do it. Further discussion is therefore unnecessary until different conditions demand it.

The question of transportation and distribution by water is so different from that of rail transportation that an entirely different remedy must be applied. No country on the face of the earth is so blessed with navigable rivers and lakes as ours. They are nature's highways of commerce, which we are to use in making our country great. But if we are to get the full benefit of these noble streams they must be improved, the harbors deepened, and canals constructed wherever necessary to complete a system of continuous and uninterrupted navigation. They all flow to the sea, and across the sea are our foreign markets, which we must reach at the lowest possible cost if we expect to meet and undersell our competitors. We are constructing, at a very great cost, the Panama Canal, connecting the two oceans. If our rivers are not improved and our harbors deepened, over and through which our commerce must of necessity reach the canal, we will have lost to a great extent the benefits to be derived from the expenditure of the $200,000,000 required to construct the Panama Canal. We can not reach this canal by rail. We must go by water if at all.

Mr. Speaker, in my own State of Alabama there are nearly 2,000 miles of surveyed and approved rivers, some of which are being improved, but the progress is very slow on account of the inadequate appropriations made by Congress. Some of the most important of these rivers are being neglected and flowing idly to the sea. All of them reach the Gulf of Mexico through the harbor at Mobile, the Tennessee alone excepted. This harbor is the nearest port of importance to the eastern terminus of the Panama Canal. The rivers of Alabama traverse the entire State and flow through the great iron and coal deposits, virgin forests of timber, rich agricultural lands, and inexhaustible beds of cement rock. We demand that all these splendid arteries of commerce be improved so that every day navigation to the Gulf will be secured, and that the channel at Mobile be deepened to at least 27 feet and over the outer bar to 35 feet. When this work is completed and the Panama Canal is opened to commercial use the largest coaling station in the world will be located in Alabama, near Fort Morgan, and the splendid anchorage inside the bar is sufficiently deep and large to hold all the ships that pass through the canal, where all will fill their bunkers with Alabama coal, at a cost not to exceed $1.50 per ton.

In order to show the benefits of an increased export and import trade which have followed the improvement of the harbor at Mobile, I desire to submit certain figures that will settle forever the question of returns for the money expended in improving the harbor at that place and the rivers which flow into it. During the year 1885 4 steamships and 286 sailing ves-